

rooms, a large amphitheater-like lecture/concert hall, a library, dining and recreation spaces, the director's quarters and guest quarters. Due to its size, location, and semi-public use, the Meeting Center was to be the centerpiece of the Salk Institute. "Section B," the Research and Study Area, was to be located near La Jolla Scenic Drive. Occupying the center of the campus and housing the laboratories, the Research and Study Area was to be the functional heart of the Institute. The third component, which was to be located on the South Mesa, was "Section C," or the Quarters for Visiting Fellows. It was to be a complex of apartments and dwellings for visiting researchers.

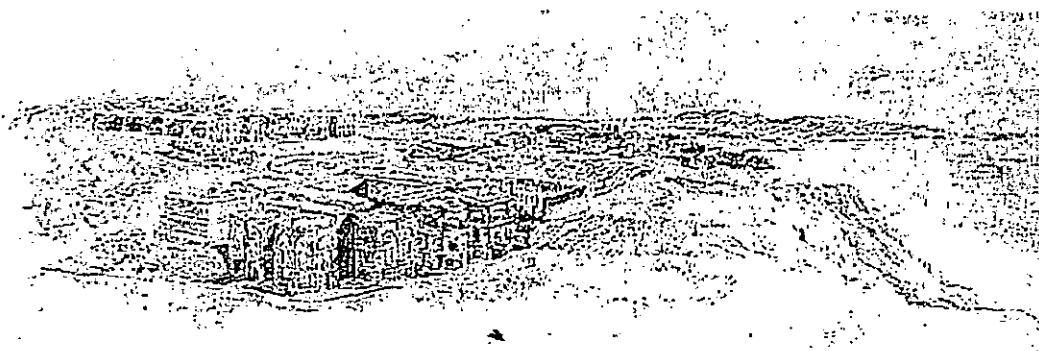


Figure 25. Kahn's rendering of the Salk Institute
Source: Salk Institute for Biological Studies

After revising the plans several more times during the Spring of 1962, Kahn finalized the Salk Institute master plan. On April 1, 1962, a contract for the construction of the first component of the plan, the Research and Study Area, was signed. Before construction began, however, Jonas Salk began to worry about the functionality of the Laboratory complex. Originally planned as four identical laboratory buildings separated by two landscaped courts, Salk became concerned that the intimacy of the campus would break down. Accordingly, he asked Kahn to redesign the Research and Study Area as two laboratory buildings facing a single court. In June 1962, Kahn presented Salk with the third and final design. As Salk had requested, Kahn reduced the number of buildings to two. In order to accommodate the planned program within the maximum allowable height limit, Kahn placed two levels below grade.

Meeting Center and Quarters for Visiting Fellows

Between 1961 and 1963, Kahn tweaked the design for the Meeting Center and the Quarters for Visiting Fellows in order to better integrate them into the complicated site and to match the Laboratory complex under construction. Both, however, were to remain as separate areas, linked to the Laboratory complex by tendril-like landscaped paths. The final scheme reoriented both

complexes to the canyon. Although not concealed from view of the Laboratory complex, the visual impact of the subsidiary structures was partially minimized through strategic tree planting and siting. The Quarters for Visiting Fellows complex was to consist of forty-eight apartments cascading down the west side of the South Mesa. Kahn frequently acknowledged his debt to vernacular Mediterranean architecture, stating that the curved string of apartments comprised a "Pompeian Village... a labyrinth of gardens and walkways and fountains, with houses connected by gardens... Every bedroom has a porch that overlooks the canyon or the sea."⁴⁹ The Meeting Center, which was to be in Kahn's words, the place where the "unmeasurable" activities of the Salk Institute would take place, was supposed to be the intellectual center of the campus. With its mixture of round and square volumes and rough concrete exterior, the Meeting Center resembled Kahn's later work at Ahmedabad, India and Dhaka, Bangladesh.

H. Construction

Once the final design issues were ironed out, construction of the Laboratory complex began in June 1962. From groundbreaking to completion, construction took nearly three years, mostly due to the labor-intensive detailing specified by Kahn. Cost overruns necessitated an amendment to the contract, which was signed by Kahn and Salk on August 29, 1963. As a result of the mushrooming costs, the amended contract suspended Kahn's work on the Meeting Center and the Quarters for Visiting Fellows. After 1963, revisions to the site plans noted that the Meeting Center and the Quarters for Visiting Fellows would be phased for future construction when more money could be raised.⁵⁰

A photograph taken in late 1962 shows the Salk Institute under construction. The photograph shows excavations have been made for the foundations of the laboratory buildings, grading for the East Parking Lot, and other site work. Also shown is the mound of debris placed on top of the South Mesa (**Figure 26**). By July 1965, the month the North Building opened, the South Building was still an unoccupied shell; it would take another year or two until the building's interior was fitted out and ready for use. In the meantime, administrative offices and laboratories had to squeeze into the North Building and the West Interim Facility. By this time, the Salk Institute had spent \$14.5 million on construction costs alone, not including the \$1.5 million architect's fee.

⁴⁹ Mary Huntington Hall, "Gift from the Sea," *San Diego* (February 1962), p. 41.

⁵⁰ David Brownlee, *Louis Kahn: In the Realm of Architecture* (New York: Rizzoli, 1992), p. 330.



Figure 26. Grading and excavation on the East Mesa: Laboratory at center, East Parking Lot in foreground and North and South Mesas at background
(Note excavation materials on South Mesa)
Source: Salk Institute for Biological Studies

I. Landscape

The landscaping of the Salk Institute continued to evolve well beyond the initial completion of the Laboratory complex. Kahn agreed with Salk that the single court was superior to two courts but he could not figure out how to detail it. In early 1965, Kahn developed a plan that would place a grid of columnar Italian Cypress in the Central Court, but as construction progressed he increasingly found fault with this scheme (Figure 27). By the Summer of 1965, the Laboratory complex was largely complete but the Central Court was still an unresolved expanse of dirt. In 1966, Kahn sent a round-trip plane ticket to New York, to famed Mexican landscape architect Luis Barragan, and a note requesting that he fly to San Diego. On February 24, 1966, Barragan visited the site with Kahn and his project architect Jack MacAllister. After hearing of Kahn's plans to plant trees in the Central Court, Barragan reportedly announced "Not one leaf...Don't put one leaf, nor plant, nor one flower, nor dirt. Absolutely nothing." He added: "A plaza...will unite the two buildings and at the end, you will see the line of the sea." Barragan called the plaza a "façade that rises to the sky."⁵¹

⁵¹ David Brownlee, *Louis Kahn: In the Realm of Architecture* (New York: Rizzoli, 1992), p. 334.

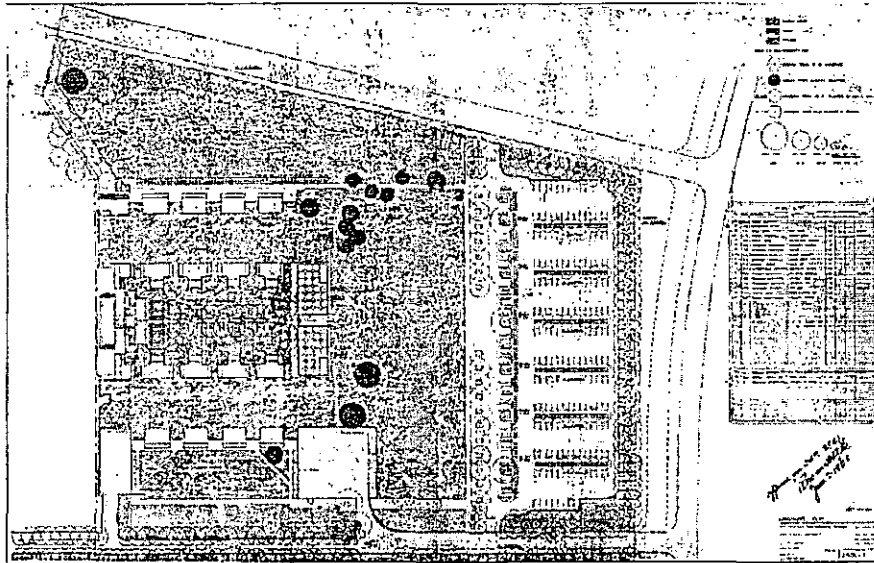


Figure 27. 1965 Landscape Plan
Source: Salk Institute for Biological Studies

At first Kahn believed this solution to be too harsh, and he asked San Francisco landscape architect Lawrence Halprin to develop alternative plans. Halprin responded with a plan submitted in November 1966 illustrating the court filled with orange trees. The following month, Jonas Salk wrote to Kahn objecting to Halprin's scheme; instead he endorsed Barragan's approach, suggesting the entire court be paved in dry-laid stone (travertine). The runnel originally proposed by Kahn was retained, with recirculated water running continuously from a small square pool at the entrance to a larger pool at the western end. Although Kahn developed several other iterations for the court, he finally settled on this simple yet effective scheme (Figure 28).

In regard to the rest of the campus, Kahn relied on his landscape consultant, Roland Hoyt, to select suitable trees for planting along the perimeter of the campus and the East Parking Lot. Hoyt chose a relatively common variety of eucalyptus, the Red Flaming eucalyptus (*E. ficifolia*) for the perimeter plantings, Chinese Fringe trees (*Chionanthus retusa*) for the parking lot, and a grid of Calamondin orange trees (*Citrus mitis*) for the parterres located at the eastern end of the Central Court.⁵² Chosen partly for their fast-growing qualities, splashy red color, and suitability for the climate, the eucalyptus harmonized with the extant eucalyptus grove on the property. The Chinese Fringe trees were also

⁵² Jeffrey Shorn and Vonn Marie May, *National Register Nomination for Salk Institute for Biological Studies* (unpublished nomination, November 8, 2004), Section 7, p. 10.

chosen for their dramatic color, as well as for their limited height. The orange trees, planted in a grid, constituted an homage to Southern California's fast-disappearing citrus landscapes. The only other areas originally intended to be formally landscaped included the two lawns flanking the Laboratory complex. Only one of these, the North Garden, was complete by 1965.

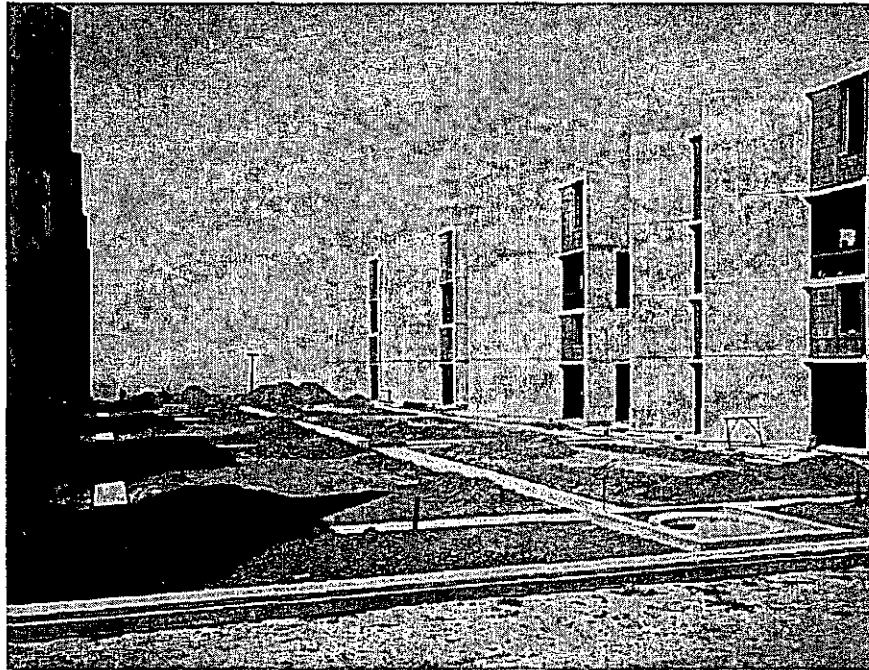


Figure 28. Central Court under construction, ca. 1967
Source: Salk Institute for Biological Studies

J. Salk Institute: 1965 to Present

The Salk Institute Laboratory complex won acclaim far and wide immediately following its completion in 1965. Articles appeared in such prominent journals as *Architectural Forum* and *Progressive Architecture*. Despite the cost overruns and the delay in realizing the master plan, Dr. Jonas Salk was evidently very pleased with his new campus. In an interview with Esther McCoy in the December 1967 issue of *Architectural Forum*, Salk likened the campus to a living, breathing body whose parts were interdependent. He also praised the buildings for their flexibility and adaptability, stating:

The building does guess tomorrow...The obsolescence is reduced by the investment in flexibility. We would have had to put the laboratories to test to know what was needed, and that was not possible. We could not wait five years for each scientist to contribute to the design, so we made adaptable space. The overall

pattern is similar, but everyone designs his laboratory space differently. Kahn has designed a shell which is a loft: the artist subdivides.⁵³

For quite some time, very few major changes occurred at the Salk Institute. The South Building was eventually built out when funds allowed. The West Interim Facility on the North Mesa was retained and expanded several times between 1965 and 1970. By the early 1970s, the West Interim Facility consisted of a one-story pre-1965 temporary laboratory building and a pair of additions. The East Interim Facility, a 9,900-square-foot steel structure, was constructed at the southeast corner of the campus in the late 1960s to accommodate further overspill. An aerial photograph shows all of these structures in place by 1970 (Figure 29). The photo indicates that the South Garden had not been constructed and was instead used for parking. The South Mesa was mostly left in a natural state except for the mound of soil left over from the construction of the Laboratory complex. The overflow parking lot on the North Mesa had not yet been paved or landscaped and the greenhouses not yet been built. The 1970 aerial also indicates that Hoyt's perimeter plantings were thriving, although still quite small, indicating that most had been planted recently.

1985 Property Exchange

Between 1970 and 1991, two major changes occurred on the Salk Institute campus. The first consisted of the construction of the new subterranean Cancer Research/Animal Facility (CRAF) on the site of the proposed South Garden in 1978. The roof of CRAF was landscaped, creating a small rectangular lawn. The facility was enlarged in 2001, resulting in the completion of the landscaped roof garden now in place. Another major change with ramifications for the eventual build-out of the campus was the property line adjustment that took place in 1985. As mentioned previously, the Salk Institute exchanged two acres of land on the western end of the South Mesa for two acres of City-owned land along the southern edge of the North Mesa. Although the total acreage of the site did not change, the configuration of the property was altered, effectively preventing Kahn's tripartite scheme, as designed and laid out in the original site plan, from being realized. The addition of two acres to the North Mesa significantly expanded the footprint of this area, indeed providing sufficient space for an expanded parking lot in the mid-1990s.

⁵³ Esther McCoy, "Dr. Salk Talks About His Institute," *Architectural Forum* (December 1967), pp. 27-32.

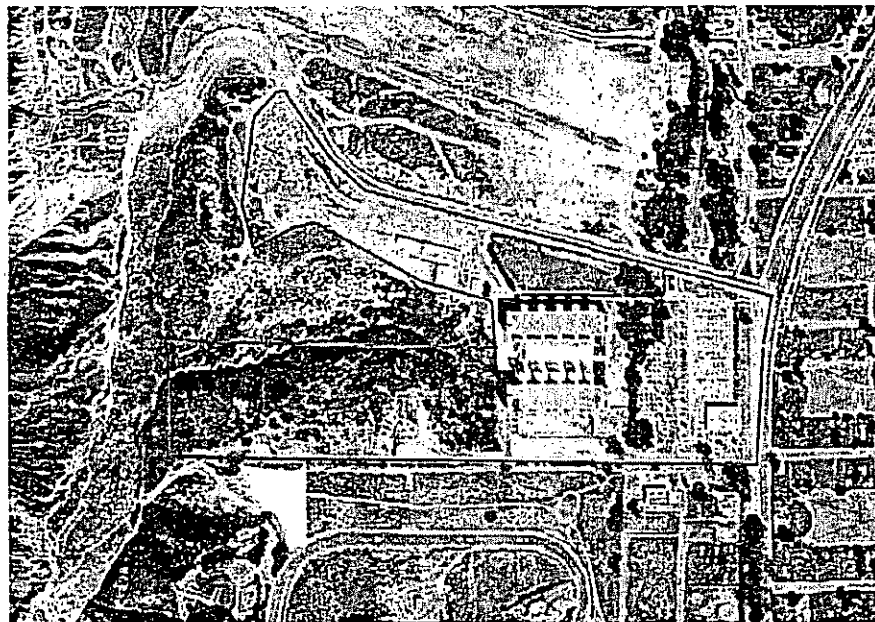


Figure 29. 1970 aerial view of the Salk Institute with pre-1985 boundaries outlined
Source: Salk Institute for Biological Studies
Photograph annotated by Page & Turnbull

East Building

By the early 1990s, nearly a quarter-century after the completion of the original laboratory buildings, the Salk Institute was beginning to experience substantial growing pains. With the exception of the Cancer Research/Animal Facility (built 1978), no new permanent laboratory or office space had been created since 1965. For many years, offices occupied valuable lab space in the Laboratory complex, placing a cap on the amount of research work that could be accomplished on the campus. Intended to free up space for research, the East Building absorbed administration and reception functions, and provided additional laboratory space. Jointly designed by Anshen & Allen, David Rinehart, and Jack MacAllister, FAIA, the East Building was constructed on a section of the eucalyptus grove that predated the Salk Institute, a site earmarked in Kahn's master plan as being "reserved for future development." Initially opposed by neighbors, the East Building was ultimately completed in 1995.

K. Jonas K. Salk

Jonas Salk was born in New York City on October 28, 1914 (Figure 30). After earning his M.D. at the School of Medicine at New York University, he was employed for a time as a staff physician at Mount Sinai Hospital in New York City. Following a stint as a research fellow at the University of Michigan, where he developed a vaccine for influenza, Salk was appointed director of the Virus

Research Laboratory at the University of Pittsburgh's School of Medicine. He spent the next several years in Pittsburgh developing what would become the polio vaccine. His vaccine was one of the first successful attempts at immunization against a virus, specifically targeting the Poliomyelitis virus (polio). His vaccine was seminal in the near eradication of a once widely-feared disease. Dr. Salk stunned the world in 1954 when he first used the vaccine to inoculate children at Pittsburgh's Arsenal Elementary School. Unlike some scientists who sought wealth or fame for their innovations, Salk stated: "Who owns my polio vaccine? The people! Could you patent the sun?" He never patented the vaccine, nor did he earn any money from it.⁵⁴

Throughout the late 1950s, Salk refined the polio vaccine, but by 1960, he was ready for other challenges. Salk had long dreamed of creating an independent research center where a community of scholars from many disciplines, representing both the sciences and the arts, could gather to engage in what Salk called "the study of life." For more than a year, he toured the country looking for the best location for his proposed institute before being successfully wooed by San Diego Mayor Charles Dail. With the land donated by the City San Diego and money provided by the March of Dimes Foundation, Salk proceeded with the design and construction of what would become the Salk Institute of Biological Studies. In addition to seeking cures for multiple sclerosis and cancer, Salk devoted much of his energy during his later years to developing an AIDS vaccine. He died on June 23, 1995 at the age of eighty.⁵⁵

⁵⁴ Salk Institute for Biological Studies, "Jonas Salk," (<http://www.salk.edu/jonassalk/>), accessed August 25, 2005.

⁵⁵ *Ibid.*



Figure 30. Dr. Jonas Salk, ca. 1960
Source: Salk Institute for
Biological Studies



Figure 31. Louis Kahn
Source: www.wandco.com

L. Louis I. Kahn

Louis Isidore Kahn (**Figure 31**) was born on February 20, 1901, in the Estonian town of Kingisepp, on the island of Ösel (now known as Saaremaa), to Leopold and Bertha Kahn. In 1904, fearing that Leopold would be drafted to fight in the Russo-Japanese War, the Kahns decided to emigrate to the United States. Louis Kahn was raised in Philadelphia and became a naturalized U.S. citizen on May 15, 1914. A true native son of Philadelphia, where he resided nearly his entire life, Kahn attended public schools and distinguished himself as an artist from a young age. During his last year in high school, Kahn took a course in architecture. His enthusiasm for this new subject caused him to turn down a four-year scholarship to the Pennsylvania Academy of Art, choosing instead to attend the University of Pennsylvania, in Philadelphia. To finance his education, Kahn worked in architecture offices and played the organ in theaters.⁵⁶

At the University of Pennsylvania, Kahn was trained in the rigorous Beaux-Arts tradition with its emphasis on drawing. After completing his Master's degree in 1924, Kahn went to work in the offices of the City Architect of Philadelphia. Between 1925 and 1926, the bowtie-sporting Kahn served as Chief Designer for the Philadelphia Sesquicentennial Exposition. After working there and elsewhere for three years, Kahn traveled to Europe to complete his education by means of a

⁵⁶ Kimbell Art Museum, "Louis I. Kahn Biography" (http://www.kimbellart.org/building/kahn_bio.cfm?id=7), accessed August 25, 2005.

traditional "Grand Tour." After returning from Europe in 1929, he married Esther V. Israeli and took a job with his former mentor Paul Philippe Cret. Kahn remained in Cret's employ for only a year, leaving in 1930 due to the onset of the Depression.⁵⁷

Although an unpromising time for American architects, the Depression ultimately provided unprecedented opportunities for Louis Kahn. During the early 1930s, Kahn worked for the City of Philadelphia and various government administrations, ultimately getting a job with the Resettlement Administration to design the Jersey Homesteads project. In 1935, the year this project began, Kahn opened his own office in Philadelphia. After a brief partnership with George Howe, Kahn joined the Public Works Administration as Supervising Architect. After the War, Kahn reestablished his private practice and began participating in thesis juries at Princeton and Yale Universities. In 1951, he held an appointment as Resident Architect at the American Academy in Rome. At a pivotal time in his career, Kahn traveled across Europe, particularly Greece and Italy, and developed his lifelong interest in Classical Mediterranean architecture. Upon his return to the United States, he won his first major architectural commission: an addition to the Yale Art Gallery. Upon its completion in 1953, Kahn was made a Fellow of the American Institute of Architects. Two years later, he was appointed Professor of Architecture at his alma mater, the University of Pennsylvania.⁵⁸

Long known as a theoretician, Kahn watched his design career blossom in his mid-fifties. Although already well-known, Kahn's fame took off upon the completion of his Alfred Newton Richards Medical Research Building on the University of Pennsylvania campus. It was undoubtedly this important and highly innovative project that gained the attention of Jonas Salk, who retained Kahn to design his own biological research center in La Jolla. After the completion of the Salk Institute Laboratories in 1965, Kahn took on increasingly complex and significant projects, including the Yale Center for British Art; the Indian Institute of Management in Ahmedabad, India; the National Assembly Building in Dhaka, Bangladesh; the Kimbell Art Museum in Fort Worth, Texas; and the Wolfson Center for Mechanical and Transportation Engineering in Tel Aviv, Israel. Several of these projects were completed posthumously; Kahn died of a heart attack in a bathroom in Pennsylvania Station in New York City on March 17, 1974, after returning from a work trip to India.⁵⁹

⁵⁷ Kimbell Art Museum, "Louis I. Kahn Biography," (http://www.kimbellart.org/building/kahn_bio.cfm?id=7), accessed August 25, 2005.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

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Although Kahn's built projects were few, his work assumed a tremendous level of significance in the body of Modernist architecture. Louis Kahn's work infused International style with a fastidious, highly personal taste, sometimes described by critics as the "poetry of light." Isamu Noguchi called him "a philosopher among architects." A list of Kahn's most important built commissions is listed in the **Appendix A** of this report.

VI. EVALUATION OF HISTORIC STATUS

A. California Register of Historical Resources

The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments and private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of "1" to "5" and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register. In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2 (Person): Resources that are associated with the lives of persons important to local, California, or national history.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

As discussed above, on August 5, 2005, the California State Historical Resources Commission formally determined the Salk Institute eligible for listing in the National Register on the basis of its significance under Criterion C (Architecture). Upon reception by the Keeper of the National Register, OHP will assign the Salk Institute a Status Code of "2S," meaning that the property is an "Individual property determined eligible for NR by the Keeper."⁶⁰ It will be listed in the California Register as a property formally determined eligible for listing in the National Register.⁶¹

⁶⁰ California Office of Historic Preservation, "California Historical Resource Status Codes."

⁶¹ California Public Resources Code Section 5024.1(d)(1), *California Register of Historical Resources*.

VII. EVALUATION OF PROJECT SPECIFIC IMPACTS UNDER CEQA

A. Project Description

This section analyzes the project-specific impacts of the Master Plan Amendment (Proposed Project) on the environment, as required by CEQA. As discussed in Section I, the Salk Institute seeks to realize the intent of the original Kahn/Salk master plan and expand the existing Salk Institute campus to the limit allowed in the *University Community Plan*. The proposed new buildings are intended to provide additional research space, consolidate support facilities and add daycare and housing for visiting scholars and researchers on undeveloped or underdeveloped portions of the property. Much of the program was intended as part of the original 1962 Kahn/Salk master plan but never implemented due to cost overruns sustained during the construction of the Laboratory complex. The Proposed Project adheres to Kahn's tripartite arrangement by placing new buildings on the sites that Kahn had originally selected.

The Proposed Project will entail the construction of 96,400 square feet (sf) of scientific/reception space, 115,182 sf of support facilities, 3,600 sf of greenhouse space, a 12,000 sf private daycare facility, a 12,000 sf short-term residential facility, and subterranean parking for approximately 1,120 automobiles. Several temporary buildings comprising approximately 29,000 sf, including the East and West Interim Facilities, will be demolished, leaving approximately 260,818 sf of existing space on the campus. The Proposed Project will therefore bring the total developed area of the campus up to 500,000 sf, the allowable maximum. Of the total 26.34-acre campus, 6.2 acres of land will remain undeveloped, a portion of which will be donated to the City for habitat preservation. The Proposed Project will require grading of approximately 11.2 acres to implement the proposed development and associated site improvements. The Proposed Project will result in changes to the following areas of the Salk Institute campus.

East Mesa

The Proposed Project calls for the construction of a two-story laboratory and reception building on the East Parking Lot. Called the Torrey East Building, it will be a single building composed of three components: north and south wings and a transparent atrium element on axis with the Central Court. The east façade of the Torrey East Building will be articulated as three major elements and set back from North Torrey Pines Road to reduce its apparent size and visual impact. Recessed sculptural stairs, analogous to the "study stairs" of the Kahn-designed laboratories, will further articulate the

east façade and provide visual interest. The west façade of the building will feature a double-height, skylight atrium midway along the facade, providing a more fitting eastern terminus to the central axis than the UCSD retaining wall now visible from the Central Court. In addition to the atrium, the Salk Institute intends to commission a sculptural element at the western entrance to the proposed Torrey East Building, solidifying the eastern terminus of the central axis and providing an opportunity for a significant artistic statement. The proposed Torrey East Building will be constructed above a subterranean parking structure accommodating approximately 500 automobiles.

The East Interim Facility will be removed from the East Mesa and replaced with an off-street loading area. Three new greenhouses will be constructed south of the 1995 East Building, replacing the greenhouses currently located near the West Interim Facility. The only other major proposed alteration to the East Mesa will be the new subterranean North Core Facility, which will be built beneath a portion of the North Garden. This part of the project will require the temporary excavation of the western portion of the North Garden, identified by Kahn as being reserved for future development. A portion of the North Garden will become the site of a new below-grade facility similar to the research facilities located beneath the South Garden. The only permanent changes to the North Garden will include a series of light wells along the north side of the existing walkway. These will be similar yet distinct from the existing light wells along the north wall of the North Building and will fulfill a similar function of providing natural light to subterranean facilities. Upon completion of the North Core Facility, the portion of the North Garden affected by the project will be regraded and replanted to match existing conditions.

North Mesa

The North Mesa, currently occupied by a large surface parking lot and the West Interim Facility, will undergo the greatest degree of change; although the amount of acreage covered by buildings and parking lots will diminish. The Proposed Project will remove the West Interim Facility and the surface parking lot and will place a building (the Meeting Center) at the western edge of the North Mesa. To the east of this building will be a new three-level subterranean parking structure accommodating approximately 500 automobiles. The garage will be accessed by a pair of spiral ramps approximately 100' in diameter. The roof of the subterranean parking structure will be landscaped with lawns and other permeable surfaces, removing a significant eyesore and heat island from the site. The area surrounding the new construction will be landscaped with sustainable and drought-

tolerant native vegetation, providing a natural buffer between the new building, the adjoining coastal canyon, and the vernal pools located at the western end of the North Mesa.

South Mesa

The South Mesa, currently undeveloped and largely in a natural state except for the large mound of re-vegetated grading materials deposited on the site in 1965, will accommodate two new facilities: a daycare facility and housing for visiting scholars. Both will be constructed on the southwestern, downhill portion of the former debris mound, minimizing their visibility from the Kahn-designed Laboratory complex and concealing their view from the Central Court. The proposed new daycare facility will consist of three small, one-story buildings, two of which will be encompassed within the footprint of the proposed 12' retaining wall. The residential facility will consist of twelve attached, two- and three-story residential units, 20' and 27' high, clustered in the extreme southwestern corner of the campus.

B. Status of Existing Site as a Historical Resource

The Salk Institute unquestionably qualifies as a historic resource under CEQA. A building may qualify as a historic resource if it falls within one of four categories listed in CEQA Guidelines Section 15064.5(a). These four categories are:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).
- 2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852).
- 4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Pub. Resources

Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Pub. Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Pub. Resources Code sections 5020.1(j) or 5024.1.

As a San Diego City Landmark and as a property that is in the process of being formally determined eligible for listing in the National Register, the Salk Institute will be listed in the California Register. Therefore, the Salk Institute qualifies as a historic resource under CEQA Categories 1 and 2.

According to the City of San Diego's *Significance Determination Thresholds: California Environmental Quality Act* (November 2004), historical or cultural resources "include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register." As a property that has been listed as a City Landmark, as well as a property that has been determined eligible for listing in the National Register, the Salk Institute is also a presumed historical resource under City regulations.⁶²

C. Determination of Significant Adverse Change under CEQA

According to CEQA, a "project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment."⁶³ Substantial adverse change is defined as: "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired."⁶⁴ The significance of a historic resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance" and that justify or account for its inclusion in, or eligibility for inclusion in, the California Register.⁶⁵

D. Evaluation of the Project Pursuant to the Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings (the Standards and the Guidelines, respectively) provide guidance

⁶² Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.

⁶³ CEQA Guidelines subsection 15064.5(b)

⁶⁴ CEQA Guidelines subsection 15064.5(b) (1)

⁶⁵ CEQA Guidelines subsection 15064.5(b) (2).

for reviewing proposed work to historic properties.⁶⁶ The Standards are used by Federal agencies in evaluating work on historic properties. The Standards have also been adopted by local government bodies across the country for reviewing proposed work to historic properties under local preservation ordinances. The Standards are a useful analytic tool for understanding and describing the potential impacts of substantial changes to historic resources. Conformance with the Standards does not determine whether a project would cause a substantial adverse change in the significance of a historic resource. Rather, projects that comply with the Standards benefit from a regulatory presumption that they would have a less-than-significant adverse impact on a historic resource.⁶⁷ Projects that do not comply with the Standards may or may not cause a substantial adverse change in the significance of an historic resource. The following analysis applies each of the Standards to the Proposed Project.

Rehabilitation Standard 1: *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*

Discussion: The Proposed Project will introduce several new uses to the Salk Institute campus. Although the majority of the Salk Institute will continue to function as a scientific research institution; short-term residential and daycare uses will be introduced to the currently undeveloped South Mesa, and a building called the Meeting Center will be constructed on the site of the parking lot on the North Mesa. Although the residential and daycare uses are new, both were anticipated in Louis Kahn's original master plan, although they were never built due to budget constraints. The Meeting Center, as well as the Torrey East Building, will accommodate uses currently housed in existing buildings. None of the new uses are incompatible with the mission of the Salk Institute. For the most part, these new buildings will be constructed on sections of the campus that do not have historic buildings, features, or landscapes. Furthermore, the daycare facility, residential units, and the Meeting Center will be constructed in roughly the same place identified for similar uses in the 1962 Kahn/Salk master plan. As designed, the Proposed Project complies with Rehabilitation Standard 1.

Rehabilitation Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.*

East Mesa

Discussion: On the East Mesa, the historic Kahn-designed Laboratory complex will not be changed at all above grade. Some demolition will occur below grade in order to connect the existing buildings

⁶⁶ U.S. Department of Interior National Park Service Cultural Resources, Preservation Assistance Division, *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, 1992. The Standards, revised in 1992, were codified as 36 CFR Part 68.3 in the July 12, 1995 Federal Register (Vol. 60, No. 133). The revision replaces the 1978 and 1983 versions of 36 CFR 68 entitled *The Secretary of the Interior's Standards for Historic Preservation Projects*. The 36 CFR 68.3 Standards are applied to all grant-in-aid development projects assisted through the National Historic Preservation Fund. Another set of Standards, 36 CFR 67.7, focuses on "certified historic structures" as defined by the IRS Code of 1986. The Standards in 36 CFR 67.7 are used primarily when property owners are seeking certification for federal tax benefits. The two sets of Standards vary slightly, but the differences are primarily technical and non-substantive in nature. The Guidelines, however, are not codified in the Federal Register.

⁶⁷ CEQA Guidelines subsection 15064.5(b)(3).

with the proposed new Core Facility beneath the North Garden. These alterations will be limited in scope and will not be visible from above grade.

The Proposed Project will also result in the removal of the East Parking Lot and the temporary excavation of the North Garden, both original landscape elements of the 1962 Kahn/Salk master plan, although both were "reserved for future development" on the 1962 master plan drawings. The North Garden will be re-graded to match its existing profile and restored once the proposed Core Facility is completed beneath it, preserving this historic open space as well as views of the 1965 Laboratory complex from Torrey Pines Scenic Drive. The only change to the North Garden will be the addition of shallow concrete parapets bounding skylights necessary to illuminate the underground facility. When it is completed, the North Garden will be regraded to match existing conditions and revegetated.

The East Parking Lot will be replaced with the proposed Torrey East Building, a laboratory and reception facility. The East Parking Lot is, according to the recent National Register nomination, a contributing feature of the Salk Institute campus. However, it is not identified in the nomination as being one of the "four basic landscape components," which, according to the nomination text include: "the courtyard between the two stark buildings, site perimeter planting, an extant remnant Eucalyptus grove that predated the Salk, and the native coastal bluffs."⁶⁸ Furthermore, the sections of the nomination that discuss the East Parking Lot call out only the landscaping as being significant.⁶⁹ Because the Proposed Project will result in the removal of the East Parking Lot and the construction of a new, 96,400 s.f. laboratory building on the site, it will alter original spatial relationships that characterized the original Kahn-designed campus. In place of a flat surface parking lot, there will be a two-story laboratory building occupying the sector between the East Building and North Torrey Pines Road. Although Kahn intended for there to be development in this general area (as indicated on the 1962 master plan drawings), it never emerged beyond the preliminary design phase. Instead, Kahn designated the eastern portion of the campus as the location of the Salk Institute's main parking lot on Exhibit X, prepared the following year. Landscaped with Chinese Fringe trees, this section of the campus has remained substantially the same since its completion circa 1965. As designed, this portion of the Proposed Project does not comply with Rehabilitation Standard 2.

North Mesa

Discussion: The Proposed Project intends to replace the existing surface parking lot and West Interim Facility on the North Mesa with the new Meeting Center, a subterranean parking structure, and landscaping. None of the existing buildings or landscape features of the North Mesa have been identified in the recently approved National Register nomination as being significant. As such, the Proposed Project will not lead to the removal of distinctive materials or the alteration of features that characterize the historic character of the property. The proposed Meeting Center will alter the existing spatial relationships that characterize the North Mesa. However, these changes will be superior to what presently exists in regard to its impact on historic resources. The Meeting Center will be placed much further away from the Kahn-designed Laboratory complex than the existing West Interim Facility. The removal of the interim buildings will itself be a beneficial impact. Constructed in the early 1960s as a temporary facility, these objectively unattractive buildings sit very close to the laboratories, impinging on the view from the Central Court. Finally, the Proposed Project will actually reduce the amount of land currently covered with buildings and parking lots. With the subterranean parking structure in place, the existing surface parking lot will no longer be

⁶⁸ Jeffrey Shorn and Vonn Marie May, *National Register Nomination for Salk Institute for Biological Studies* (unpublished nomination, November 8, 2004), Section 7, p. 9.

⁶⁹ *Ibid.*, Section 7, pp. 10-11.

necessary, and a large portion of it will be removed and landscaped with vegetation and other permeable materials. The overall footprint of development on the North Mesa will be reduced because the interstitial areas between the buildings will be landscaped and a portion of the former parking lot will be allowed to re-vegetate. As designed, the Proposed Project complies with Rehabilitation Standard 2.

South Mesa

Discussion: On the South Mesa, the Proposed Project will result in the construction of a one-story daycare facility and twelve residential units at the southwestern corner of the property. Limited site improvements will also be undertaken, including the construction of approximately forty parking spaces and a paved drop-off area on Salk Institute Road. The westerly extension of Salk Institute Road will be paved and a retaining wall constructed. Additional lighting fixtures will also be installed to facilitate pedestrian safety. The new structures will be built on land that has remained undeveloped yet not undisturbed. During the construction of the Laboratory complex, contractors deposited a large mound of excavation materials at the center of the South Mesa and graded a portion of flatter ground for use as a staging area. Since the completion of the Laboratory complex in 1965, the South Mesa has been substantially re-vegetated. Although Kahn planned to build a residential complex on the South Mesa, it was never built due to budget constraints. Regarding the proposed new construction on the South Mesa, the Salk Institute's architects have taken advantage of the mound to conceal the new daycare and residential buildings from view of the often-photographed vantage point of the Central Court. They will be visible from the upper floors of the Laboratory complex. The new buildings, which are to be very low in profile, are designed in a modern vocabulary that is compatible with, yet distinct from, the original Kahn-designed portions of the campus. As designed, this component of the Proposed Project complies with Rehabilitation Standard 2.

Rehabilitation Standard 3: *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Discussion: The Proposed Project will not create a false sense of historical development. Most of the proposed new buildings will be placed on sites identified on the 1962 plot plan, and the later 1963 plot plan, known today as Exhibit X. The project architects will design the buildings to be compatible with design guidelines that will be approved with the new permits. The design guidelines will ensure that all new construction is compatible with, yet distinct from, Kahn's original designs. Furthermore, neither conjectural features nor elements from other properties will be added to the existing structures. As designed, the Proposed Project complies with Rehabilitation Standard 3.

Rehabilitation Standard 4: *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Discussion: No changes to any of the historic structures on site are proposed. The Proposed Project will result in the removal of a large surface parking lot on the North Mesa as well as several 1960s-era temporary structures comprising the East and West Interim Facilities. None of these buildings or features have been identified in the National Register nomination as being significant. As designed, the Proposed Project complies with Rehabilitation Standard 4.

Rehabilitation Standard 5: *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Discussion: The Proposed Project will not result in any alterations to the distinctive existing Kahn-designed buildings and will not result in the removal of distinctive materials, features, finishes and construction techniques or examples of craftsmanship. As designed, the Proposed Project complies with Rehabilitation Standard 5.

Rehabilitation Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

Discussion: The Proposed Project will not result in any permanent visible alterations to the distinctive existing Kahn-designed buildings except for the basement level of the Laboratory complex, which will be modified to connect it to the new North Core Facility. The Kahn-designed North Garden will be partially excavated to build the North Core Facility, but it will be restored at the conclusion of the project. As designed, the project complies with Rehabilitation Standard 6.

Rehabilitation Standard 7: *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Discussion: The Proposed Project will not result in the application of any physical treatments to the existing Kahn-designed buildings. As designed, the Proposed Project complies with Rehabilitation Standard 7.

Rehabilitation Standard 8: *Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Discussion: According to a records search of the California Historical Resources Information System (CHRIS) conducted by staff at the South Coast Information Center at San Diego State University, there are five prehistoric archaeological sites within a quarter-mile radius of the Salk Institute. These sites, which consist for the most part of lithic scatters and middens, are referred to by their trinomials. Due to the sensitive nature of prehistoric archaeological sites, the exact location of these sites cannot be disclosed in this report. The Salk Institute expansion will result in a limited amount of excavation on land that has, although disturbed, never been developed. This is especially the case on the South Mesa, where a daycare center and residential units will be constructed. A recent field survey study of the proposed building sites was recently completed by Carolyn and Robert Kyle. The Kyles surveyed the exposed portions of the North and South Mesas and found no evidence of subsurface cultural resources. Including a survey undertaken as part of the proposed expansion of the North Mesa parking lot in 2000 by Berryman and Cheever, a cultural resource monitoring program undertaken in 1992 by Cheever as part of the construction of the East Building, and a cultural resource survey of the South Mesa completed by Berryman and Cheever in 2000, earlier surveys have all failed to yield any cultural resources on the Salk Institute property.

Historic maps indicate that portions of the North and East Mesas were occupied by ammunition magazines and several other training structures built during the Second World War as part of Camp Callan. According to City records, neither the Army nor the City removed subsurface remains as part of the site clean-up efforts that occurred after the War. Therefore, the likelihood of encountering World War II-era subsurface foundations or other archaeological remains from this period of

occupation is moderate to high. In the event that this occurs, proper mitigation measures will be undertaken, such as the preparation of Historic American Buildings Survey (HABS) Level II documentation, which is described in more depth in the Mitigation Section below. As designed, the Proposed Project complies with Rehabilitation Standard 8.

Rehabilitation Standard 9: *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

Discussion: Intended to increase the total laboratory and office square footage to the allowable maximum of 500,000 square feet, the Proposed Project will accomplish what Louis Kahn and Jonas Salk originally set out to achieve in the early 1960s. The project will result in the addition of several new buildings to the campus, although most will be placed on locations reserved for future development by Kahn. The project architects have designed currently proposed buildings, as well as future buildings, to be compatible with design guidelines that are underway currently. The design guidelines will ensure that all new construction is compatible with, yet distinct from, Kahn's original designs.

East Mesa: Torrey East Building

On the East Mesa, the Proposed Project will permanently remove one contributing landscape element identified in the recently approved National Register nomination: the East Parking Lot. The proposed Torrey East Building will be built on the site of the existing parking lot, which itself will be excavated in order to accommodate two levels of subterranean parking. The construction will result in the permanent removal of the existing asphalt parking lot, curbs and wheel stops, as well as the Chinese Fringe trees in the planting strips within the lot.⁷⁰

The Torrey East Building will greatly alter spatial relationships that originally characterized the East Mesa. What was once a largely open area of surface parking lots and landscaping will be transformed into a more urban condition. The impact of the new building on historic resources will be minimized in part by the existing dense screen of perimeter plantings that lines the north, south and east property boundaries. The proposed new building will have a relatively low profile, rising to two stories, or 29'-3". The Torrey East Building will have a transparent atrium on axis with the Central Court of the 1965 Laboratory complex. These two factors will allow visitors to potentially obtain glimpses of the historic Kahn-designed Laboratory complex from North Torrey Pines Road and preserve this longstanding axial relationship. In terms of its massing and orientation, the Torrey East Building will not be dissimilar from the 1995 East Building in its relationship to the historic laboratories, although its design will be very different, consisting of a single horizontal bar clad in glass and metal curtain walls tautly wrapped around a steel frame. The overall effect will be much lighter than the concrete East Building. Materials will be compatible with, yet distinct from, the historic laboratories, using steel, aluminum, and fritted glass instead of concrete and teak. In addition, the Salk Institute may commission an art work to be erected on the west side of the proposed Torrey East Building.

Despite these design strategies, which will serve in part to minimize disruption to original spatial relationships, the removal of the East Parking Lot, a contributing feature of the Salk Institute

⁷⁰ Jeffrey Shorn and Vonn Marie May, *National Register Nomination for Salk Institute for Biological Studies*, (unpublished nomination, November 8, 2004), Section 7, pp. 10-11.

campus, constitutes a significant physical impact to a historic resource. Therefore, as designed, this component of the project does not comply with Rehabilitation Standard 9.

East Mesa: North Core Facility

A portion of the existing North Garden, an original component of the Kahn-designed Salk Institute campus, will be excavated to construct the proposed North Core Facility. However, the new building will be constructed below grade and this historic landscape feature will be restored at the end of construction. This component of the Proposed Project complies with Rehabilitation Standard 9.

East Mesa: Proposed Greenhouses

Three one-story greenhouses are proposed for the existing unpaved area south of the East Building. They will be transparent structures, similar in character to the existing greenhouses that presently stand on the North Mesa. Due to the fact that they are small, concealed behind vegetation, and will not result in the alteration of character-defining materials, features, or spatial relationships, this portion of the project complies with Rehabilitation Standard 9.

North Mesa: West Interim Facility

The Proposed Project will result in more extensive changes to the North Mesa than to any other part of the Salk Institute campus. The North Mesa has also been altered more extensively than other parts of the Salk Institute. Today, the area can be characterized as an incoherent assemblage of temporary buildings, greenhouses, and sheds perched on the edge of a sprawling asphalt surface parking lot. The Proposed Project plans to remove all of the buildings and the parking lot and construct the proposed Meeting Center on the western edge of the North Mesa. The Meeting Center will not be constructed right away, but instead down the road when funds become available. The new building will be sited on the western end of the North Mesa, a site earmarked in the 1962 Kahn/Salk master plan as the location of the original Meeting Center. Overlooking coastal bluffs and the Pacific Ocean, Kahn's never-realized Meeting Center was to have been the social and cultural core of the Salk Institute, housing seminar rooms, a library, meeting rooms, a dining hall, recreation facilities, the director's suite, and guest quarters. It is the intention of the Salk Institute that the proposed new building will fulfill a similar role. It will also be located in roughly in the same place, although the new Meeting Center will be smaller, encompassing approximately 115,182 gross square feet of space.

Although the recently approved National Register nomination designates the entire Salk Institute campus, the nomination does not list any significant character-defining features on the North Mesa. Therefore it can be concluded that the proposed new Meeting Center and subterranean parking structure will not physically impact any significant features or materials. However, existing spatial relationships will be altered on the North Mesa. Compared with what presently exists on the North Mesa, the proposed Meeting Center will have a less intrusive visual impact on the Kahn-designed laboratories because it will be located much further away on the western, downhill edge of the North Mesa. The proposed Meeting Center will also be no higher than 30' to the top of the parapet.

The proposed Meeting Center will be architecturally more compatible with the historic Kahn-designed Laboratory complex because it must conform to rigid design guidelines currently underway. Taking its cue from Kahn's original plans, the new building will realize Kahn's original tripartite scheme without mimicking his unique design sensibility. Regarding the proposed new landscaping, the roof of the proposed subterranean parking structure will be landscaped with lawns and other permeable surfaces, replacing a significant eyesore and heat island with landscaped open space. In keeping with the 1962 Kahn/Salk master plan, the area surrounding the new construction will be landscaped with sustainable native plants, providing a natural buffer between the new building, the

adjoining coastal canyon, and the vernal pools located at the western end of the North Mesa. As designed, this part of the Proposed Project complies with Rehabilitation Standard 9.

South Mesa: Daycare Facility

The recently approved National Register nomination designated the entire legal parcel comprising the Salk Institute, including the South Mesa. The Proposed Project will place a private daycare facility on the currently largely undeveloped South Mesa. The facility will provide care for children of Salk Institute employees in a secure and natural location away from public streets. In addition to classroom space, the daycare facility will include other support spaces such as a meeting room, administration space, and a multi-purpose room. Also located on the site will be a 10,000 sf circular playground. The playground will be terraced into the topography of the South Mesa. A paved turn-around/drop off area will be located between the two buildings, along the existing private drive on the southern property line.

Regarding impacts to spatial relationships, the Proposed Project will result in some changes to the South Mesa. However, the daycare facility will be constructed on a portion of the South Mesa that is far from pristine, having been covered by soil excavated during foundation and site grading work performed as part of the construction of the Laboratory complex. The new daycare facility will be sited so that it is concealed by the mound when viewed from the Central Court, although the rooftop and landscaped playground will be visible from the upper floors of the Laboratory complex. The two proposed buildings will be very low in stature, rising no higher than 12' above grade. They will also be separated from the Laboratory complex by approximately 400'. Finally, they have been designed in a modern vocabulary with transparent materials like glass and stainless steel and neutral-colored finish materials such as teak and canvas awnings. The roofs will feature sustainable roofing systems, reducing its visual impact on existing spatial relationships. As designed, this component of the Proposed Project complies with Rehabilitation Standard 9.

South Mesa: Residential Quarters

Located just west of the daycare facility, at the far southwestern corner of the Salk Institute property, will be twelve residential quarters. Similar to Kahn's never-constructed Quarters for Visiting Fellows (described in the 1962 Kahn/Salk master plan), the proposed new building will provide temporary housing for faculty, researchers and staff. The proposed units will be clustered within a single building with alternating two-and three-story units arranged in a staggered pattern. Twelve surface parking spots will be provided along the driveway south of the units. Recalling Kahn's 1963 plot plan, known as Exhibit X, the residential quarters will step down the steeply sloping western part of the South Mesa. Although visible from the upper floors of the Laboratory complex, they will not be visible from the Central Court because they will be concealed behind the existing re-vegetated mound that sits near the center of the South Mesa. The project architects will design the building to be compatible with design guidelines that are currently underway, ensuring that all new construction is compatible with, yet distinct from, Kahn's original design. Physical impacts to the native vegetation will be minimized by replanting adjoining areas with species compatible with the adjacent native plant communities. As designed, this component of the Proposed Project complies with Rehabilitation Standard 9.

Summary

As designed, the Proposed Project is only partially compliant with Rehabilitation Standard 9. In general, the new buildings and landscapes will not permanently physically impact historic materials, features, and spatial relationships that characterize the property, with the exception of the East Parking Lot, identified as a contributing feature in the recently approved National Register

nomination. As a contributing element to the Salk Institute campus, its removal and replacement with a new office building does not comply with Rehabilitation Standard 9.

Rehabilitation Standard 10: *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Discussion: While it is highly unlikely that the Salk Institute will remove any of the proposed buildings in the immediate future, their placement in relation to the Kahn-designed sections of the campus would allow the existing form and integrity of the property to be restored to its approximate present appearance should they be removed. As designed, the Proposed Project complies with Rehabilitation Standard 10.

E. Analysis of Project-Specific Impacts under CEQA

As discussed above, the Salk Institute's Proposed Project appears to substantially comply with the Secretary's Standards for Rehabilitation, with the exception of the replacement of the East Parking Lot with the proposed new Torrey East Building, failing to comply with Rehabilitation Standards 2 or 9. According to the Standards, Rehabilitation is defined as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."⁷¹ The Salk Institute, while fully cognizant of the architectural significance of the Kahn-designed portions of its campus, as well as the historical significance of the Salk Institute in general, is faced with the need to expand its research and laboratory space and support functions to ensure the continued viability of the Institute in this location. Prevented by financial constraints from realizing Louis Kahn's original master plan for four decades following the completion of the Laboratory complex, the Institute has been hampered by a lack of laboratory and administrative space, forcing many research projects to be conducted in temporary buildings or off-site. The construction of the proposed laboratory building on the East Parking Lot, although not in compliance with Standard 9, poses the least harm to the historic portions of the campus.

The Proposed Project will significantly expand the existing campus, bringing the total square footage up to the 500,000 sf limit allowable according to the *University Community Plan*. For the most part, the proposed new buildings will be built on previously disturbed parts of the campus that do not directly contribute to the significance of the Kahn-designed Laboratory complex and adjoining landscape

⁷¹ Kay D. Weeks and Anne Gruntner, *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, (Washington, D.C.: National Park Service, Department of the Interior, 1995), p. 61.

features. Kahn identified most of the sites as being "reserved for future development" on the 1962 master plan drawings.

While the Proposed Project is very ambitious in regard to the addition of square footage to the campus, it is being designed to avoid permanent significant impacts to historic materials or spatial relationships that characterize the Kahn-designed parts of the campus, in particular the Laboratory complex and the iconic view westward from the Central Court. Although the proposed new buildings will be visible from the upper floors of the Laboratory complex, they will be pulled back as far as possible and will remain invisible from most the Central Court itself with the exception of the proposed Meeting Center, which will be visible from the west end of the Central Court. Additionally, the architects have designed them to comply with design guidelines that are intended to ensure that new construction remains compatible with the original Kahn-designed buildings and landscapes features. Perhaps the biggest concession to historical compatibility is the decision by the Salk Institute to place the new buildings on sites identified by Kahn as being reserved for future construction in the original 1962 master plan. Although the new buildings will be quite distinct from Kahn's original design vocabulary, this strategy is a deliberate attempt to honor and complete the long-delayed Kahn/Salk master plan.

With regard to impacts on historic materials, the removal of the landscaping of the East Parking Lot, a contributing component to Kahn's original landscape plan, will constitute a significant adverse impact. The proposed Torrey East Building will change the existing spatial relationships that have defined the appearance of this portion of the campus since the mid-1960s. This impact is not as severe as it could be in other areas due to the fact that Kahn earmarked the East Parking Lot area as being appropriate for future development in the original 1962 master plan. Furthermore, the Laboratory complex is already not highly visible from North Torrey Pines Road. Finally, the resource is a surface parking lot, a feature of substantially less significance than the laboratories or other Kahn-designed landscape features. The most significant physical impact to historic materials is the proposed removal of the Chinese Fringe trees, which are original landscaping elements.

In addition, excavation necessary to construct the building on the North Mesa may encounter subsurface remains of Camp Callan, which could possibly constitute a significant adverse impact. As mentioned above, records indicate that foundations were not removed as part of the cleanup following the transfer of the site back to the City after World War II. Although recent archeological

investigations have not revealed the existence of any prehistoric or historic resources on the North Mesa, the majority of the site is paved, limiting the feasibility of test bores or other diagnostics. Although it is not known if any World War II-era foundations remain beneath the parking lot, should they exist on the footprint of the proposed new building, they will have to be removed. In order to avoid a significant adverse impact, any subsurface remains should be recorded according to HABS-level documentation guidelines, as outlined in the section below, and submitted to appropriate repositories.

VIII. SUGGESTED MITIGATION

According to Section 15126.4(b)(1) of the Public Resources Code (CEQA Guidelines): "Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, the project's impact on the historical resource will generally be considered mitigated below a level of significance and thus is not significant." Because the Proposed Project will have a substantial adverse effect on an element of a historic resource, in this case the original landscaping of the East Parking Lot, and may have a substantial adverse impact on potential subsurface archaeological remains, mitigation measures will be required.

As our analysis above sets forth, because the landscaping of the East Parking Lot has been identified as a contributing element in the recently approved National Register nomination for the Salk Institute, it is Page & Turnbull's opinion that the Proposed Project will cause a substantial adverse change to the environment. In addition, the potential exists for prehistoric or historic resources associated with military use of the property during the Second World War to be encountered on the site. In both instances, mitigation must be considered as an option under CEQA. Historic resource mitigations are typically developed on a case-by-case basis, providing the opportunity to tailor them to the characteristics and the significance of the resource and the impacts to it. The more commonly adopted mitigation measures consist of 1) documentation of the affected resource, typically to the standards of the Historic American Buildings Survey (HABS); 2) preparation of a salvage plan for significant features and materials; or 3) making a commemorative plaque. While in some instances these mitigation measures are judged to reduce the adverse effects to a less-than-significant level, they often do not alter the loss to community character and collective history. Section 15126.4(b)(2) of the Public Resources Code is clear in this regard: "In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur."

A. HABS-Level Recordation

As mentioned above, documentation of a historical resource, by way of historical narrative, photographs, and/or architectural drawings (often HABS-Level), as mitigation for the effects of the

demolition of a resource will typically not mitigate the effects to a less-than-significant impact on its own. Part of the problem with documentation as mitigation under CEQA is that the resource is lost to the community, and the recordation documents are not readily accessible to the public. In the case of the East Parking Lot, the photographic documentation of the landscaping within the existing surface parking lot would have little intrinsic value. HABS Recordation is typically undertaken for the benefit of research but in the case of the East Parking Lot's landscaping, its primary significance is aesthetic. Furthermore, the existing configuration of the East Parking Lot is already well documented in original and existing conditions drawings and site plans.

Currently, it is unknown if any archaeological resources are present on any of the building sites; recent surface testing has not revealed anything. However, there are several known prehistoric sites within a close radius and historic maps of Camp Callan indicate that several of the proposed building sites overlap the location of World War II-era structures. If excavation work reveals archaeological resources, they should be recorded according to professional standards. We believe HABS Level II documentation is sufficient at this stage given the speculative nature and the fact that archaeological remains are probably limited to World War II-era concrete slabs or perimeter foundations. The history of Camp Callan is already well documented in Roberta Robledo's *Cultural History of U.S. Army Camp Robert E. Callan and U.S. Marine Corps Campus Calvin B. Matthews*. Prepared in 1996 for UCSD, this document does a good job of recording the history of this installation. It is our recommendation that if subsurface remains are encountered the Salk Institute will temporarily stop work in the vicinity and retain a qualified archaeologist to measure, sketch, and photograph the resource(s) according to HABS Level II guidelines. In addition, a brief report should be prepared that identifies the resource and places it within its proper historical context. Thusly, recordation of any potential historic era archaeological resource will reduce the impact of the project to a less-than-significant effect.

Prehistoric archaeological resources will need to be treated differently. Representatives of local tribes will need to be contacted and consulted prior to taking any action.

B. Landscape Rehabilitation

Page & Turnbull recommends partial salvage and landscape rehabilitation as a means to reduce the impact of the removal of the East Parking Lot to a less-than-significant effect. According to the recently approved National Register nomination, the most significant feature of the East Parking Lot is its outstanding collection of Chinese Fringe trees. Planted on a grid within planting beds, the trees

provide shade and add a splash of color to an otherwise monotonous expanse of asphalt. Accordingly, the Salk Institute shall carefully remove all healthy Chinese Fringe trees and replant them as part of the landscaping for the proposed Torrey East Building. Located within close proximity to their original location, the Chinese Fringe trees will provide a tangible link to the history of the site. Of the trees selected by Kahn's landscape consultant, Roland Hoyt, the Chinese Fringe trees are the most unusual and distinctive. Furthermore, most appear to be in good health, and if reused they can continue to contribute to the eastern part of the campus for the rest of their natural lifespan.

In conjunction with salvaging the Chinese Fringe trees, the Salk Institute shall restore as much of the original perimeter plantings as possible. Currently, much of the perimeter landscaping, in particular along Salk Institute Road and Torrey Pines Scenic Drive, is either overgrown or, in some cases missing. There are several large gaps along Salk Institute Road where adjoining property owners have removed trees, presumably to improve views. The Salk Institute shall inventory its existing perimeter plantings, assess the health of individual specimens and replant as necessary. Replanted trees, especially those surrounding the Kahn-designed portions of the Salk Institute, should be identical to species originally planted and identified on the 1965 Landscape Plan to the extent practicable and permitted by the City.

Based on the fact that the primary significance of the East Parking Lot is its landscaping, Page & Turnbull believes that the Salk Institute will reduce the impact of the project on the environment to a less-than-significant level by undertaking the landscape rehabilitation program outlined above. Complying with the guidelines for implementing mitigation measures under CEQA, the mitigation measures proposed above are "roughly proportional" to the impacts of the project. In addition, they are fully enforceable through permit conditions and other legally binding instruments. Finally, there is an essential nexus between the proposed mitigation measure and legitimate governmental interest, i.e. restoration of landscaping along public ways that border the Salk Institute site.⁷²

⁷² CEQA Guidelines subsection 15126.4(a).

IX. CONCLUSION

Universally recognized as one of the most significant built works of architect Louis I. Kahn, the Salk Institute is an important research institute with a significant history. However, in order for it to continue fulfilling its mission as one of the nation's foremost research institutions, the Salk Institute argues that it must expand its laboratory and administration space. The program of expansion is ambitious in scope, but the Institute's architects have attempted to minimize any potentially adverse impacts through the sensitive placement and design of new buildings and landscape elements. Accordingly, much of the new construction will be located on surface parking lots and other areas earmarked for future development on the 1962 master plan drawings. Much of the new construction will be underground, minimizing its impact on existing spatial relationships. Above-grade construction will be lower than the historic Laboratory complex and the new buildings will be designed to be compatible with, yet distinct from, the original Kahn-designed buildings. Nevertheless, the project as designed will remove the East Parking Lot, constituting a significant adverse impact on the resource and the environment. Because its significance relative to the overall resource is limited, Page & Turnbull contends that this impact can be mitigated to a less-than-significant effect by means of the suggested mitigation measures outlined above.

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XI. APPENDIX

A. List of Important Works by Louis Kahn

- Yale University Art Gallery, New Haven, Connecticut (1951–1953)
- Trenton Bath House, Trenton, New Jersey (1954–1959)
- Richards Medical Research Laboratories, University of Pennsylvania, Philadelphia, Pennsylvania (1957–1965)
- First Unitarian Church, Rochester, New York (1959–1967)
- Salk Institute for Biological Studies, La Jolla, California (1959–1965)
- Phillips Exeter Academy Library, Exeter, New Hampshire (1965–1972)
- Jatiyo Sangshad Bhaban (National Assembly Building) in Dhaka, Bangladesh (1962–1974)
- Kimbell Art Museum, Fort Worth, Texas (1967–1972)
- Yale Center for British Art, New Haven, Connecticut (1969–1974)
- Indian Institute of Management, Ahmedabad, India (1963)

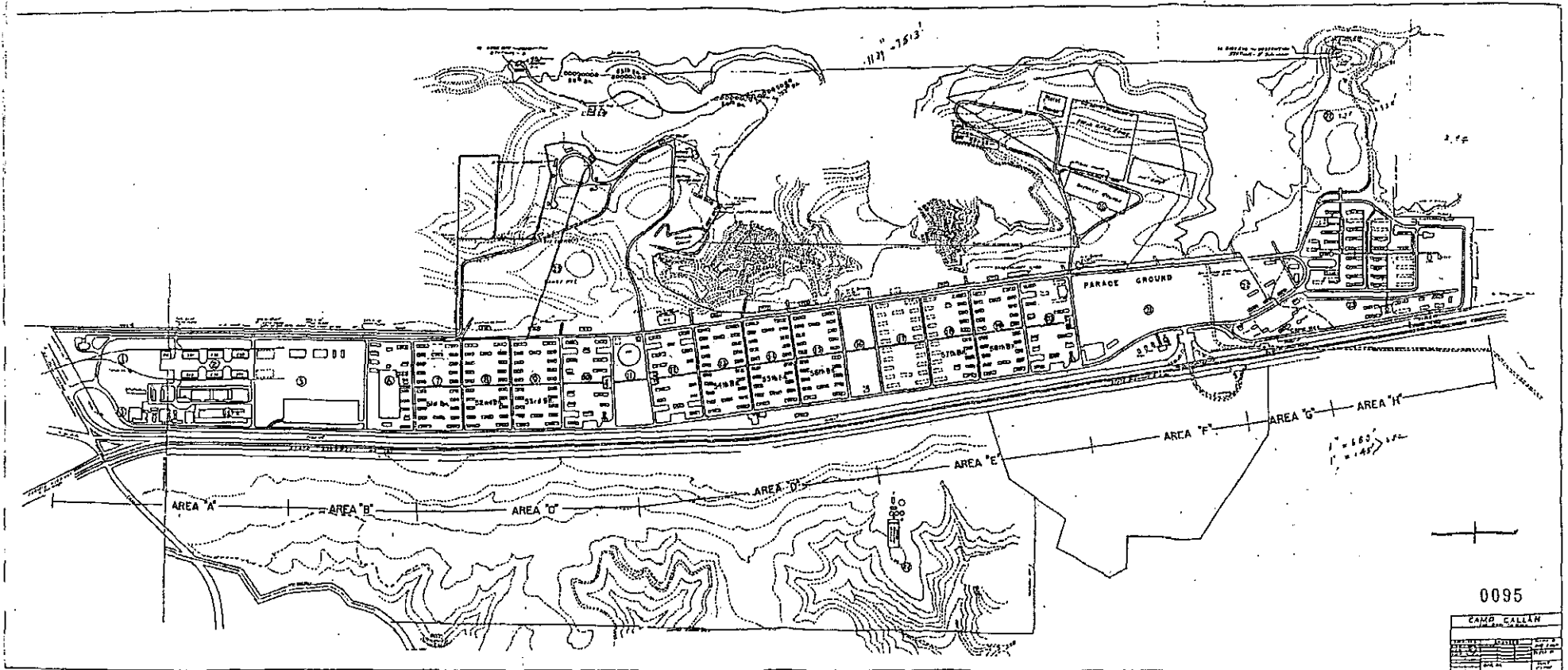
0000223

UCSD

CULTURAL HISTORY OF
CAMP ROBERT E. CALLAN AND CAMP CALVIN B. MATTHEWS

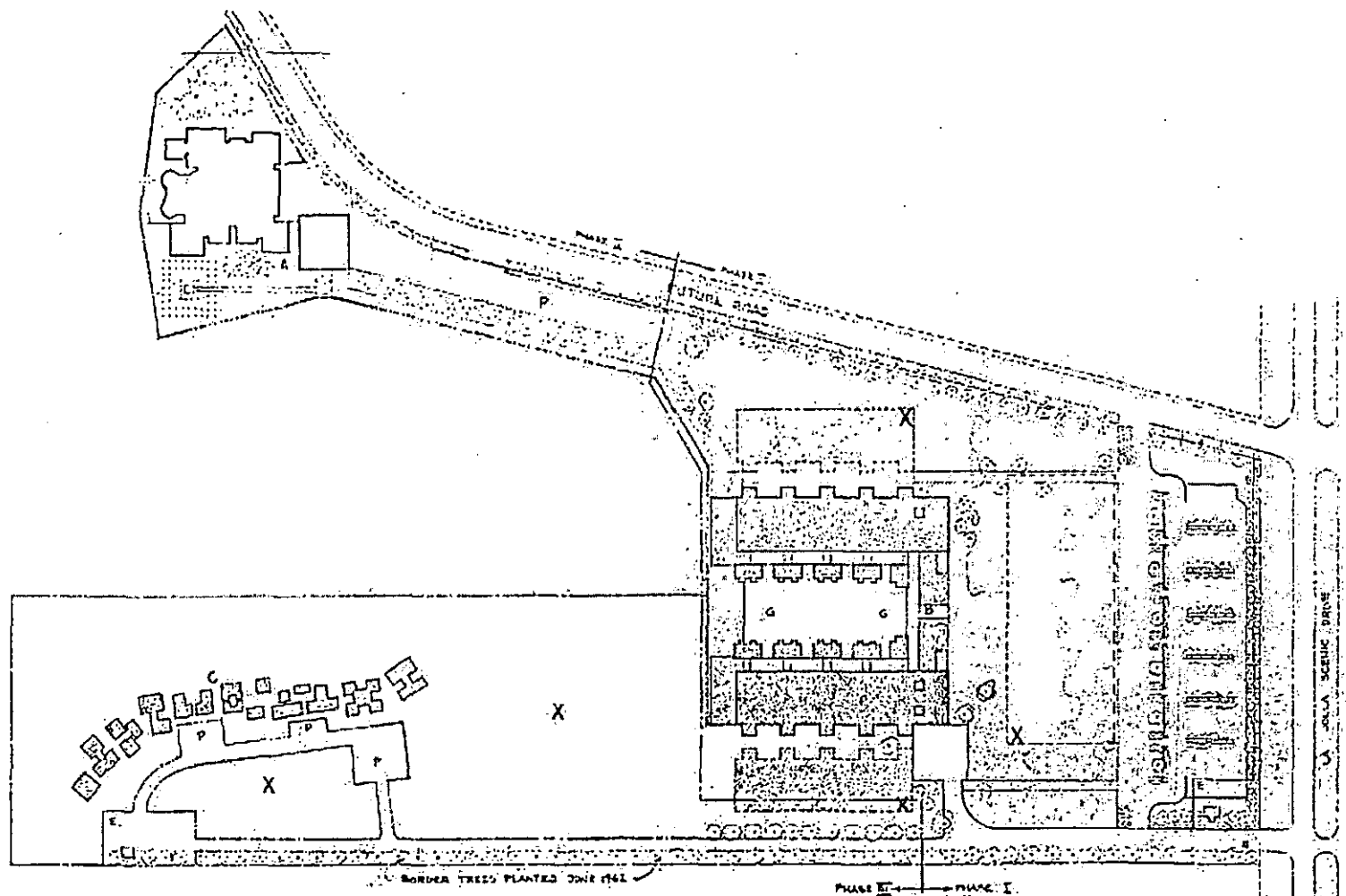
FIGURE 3.6A

MAP OF CAMP CALLAN



Appendix B. World War II-era map of Camp Callan with approximate boundaries of the Salk Institute superimposed
Source: San Diego Historical Society; Map annotated by Page & Turnbull

000224



NOTES:
PHASE I
 TREES SHOWN WILL BE PLANTED BEFORE MAY 25, 1955 AS PART OF COMPLETION OF LABORATORY BUILDING.
PHASE II
 TREES SHOWN WILL BE PLANTED AT TIME OF COMPLETION OF RESEARCH CENTER.
PHASE III
 TREES SHOWN WILL BE PLANTED AT TIME OF COMPLETION OF QUARTERS.

NORTH



SCALE 1"=100'

LEGEND
 --- FUTURE ROAD
 --- EXISTING
 --- LOW TOP OF MOUNTAIN
 --- RIGHT OF WAY
 [Hatched] CONSTRUCTION ABOVE GRADE
 [Solid] CONSTRUCTION COMPLETED MAY 24, 1955
 --- WALLS
 * TREES TO BE PLANTED BY THE INSTITUTE
 E EXISTING TO CITY OF SAN DIEGO
 P PAVED AREA
 X RESERVED FOR FUTURE DEVELOPMENT
 O LANDSCAPED GARDEN

A MEETING CENTER
 SEMINAR
 LIBRARY
 MEETING ROOMS
 DINING
 RECREATION
 DIRECTOR'S QUARTERS
 GUEST QUARTERS

B RESEARCH & STUDY AREA
 LABORATORIES
 STUDIES
 LIBRARY
 ADMINISTRATION

C QUARTERS FOR VISITING FELLOWS

EXHIBIT "X" REVISED 10 MAY 1955

PLAT PLAN

SALVIN INSTITUTE FOR BIOLOGICAL STUDIES
 SAN DIEGO CALIFORNIA
 LOUIS I. KAHN ARCHITECT JULY 9, 1952

SITE INFORMATION, EXISTING & PROPOSED FACILITIES
 CALIFORNIA ARCHITECTURAL BOARD, BY LOUIS I. KAHN
 FOR ARCHITECTS & ENGINEERS, CO. SAN DIEGO
 DATED DEC 19, 1950 REVISED NOV 5, 1952
 EXHIBIT "X" (ASSENTMENT DATED 10 JAN 1955)

000225

**SALK INSTITUTE FOR BIOLOGICAL
STUDIES**

LA JOLLA, CALIFORNIA

SALK INSTITUTE LANDSCAPE ANALYSIS

Prepared by
Page & Turnbull, Inc.
March 7, 2007

I. INTRODUCTION

This Salk Institute Landscape Historical Analysis has been prepared at the request of the Salk Institute for Biological Studies (Salk Institute). Page & Turnbull has been asked to evaluate the potential impacts of the proposed expansion of the Salk Institute campus (Proposed Project) on historic landscape resources. This memorandum will serve as an addendum to the Historic Resources Technical Report (Technical Report) prepared under separate cover. Please refer to this report for the project background, description and historical backgrounds for the Salk Institute campus. In the Technical Report, Page & Turnbull evaluated the Proposed Project for conformance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (Rehabilitation Standards). We found the project to comply with all but two of the ten Standards. Based on the disproportionate impact of the Proposed Project on landscape features, we have been asked to evaluate the project for conformance with a related alternative set of standards entitled: *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*.

II. METHODOLOGY

This memorandum incorporates the referenced Technical Report by reference and the references cited within. Sources specifically used in the execution of this memorandum include several early site plans prepared by Louis Kahn's team, including the July 1962 plot plan known as "Revised Exhibit A," (1962 Plot Plan), the February 1965 Revised Plot Plan known as "Exhibit X," and the May 1965 Landscape Plan. Other sources referenced include historic aerial photographs dating from 1928, 1958, 1960, 1965, 1970, 1984 and 1990 and a historic map showing World War II-era Camp Callan. Additional information was provided to Page & Turnbull by Garry Van Gerpen, Facilities Manager for the Salk Institute.

III. DESCRIPTION AND HISTORICAL CONTEXT

A. General Site Description

The Salk Institute is located approximately three miles north of La Jolla, on a U-shaped, 26.34-acre site overlooking the Pacific Ocean. The oddly configured parcel is composed of three small mesas – North, South, and East – that embrace a steep and narrow coastal canyon near the center of the property. Most of the canyon proper is part of Torrey Pines City Park and not owned by the Salk

Institute. The dramatic coastal site served several purposes prior to the construction of the Salk Institute; remnants of these prior uses survive in places. The following section will describe the historical designed and cultural landscape features of the Salk Institute.¹ The description will begin with the East Mesa (the location of the bulk of the remaining historic features) and continue to discuss the North and South Mesas, respectively.

B. East Mesa

East Parking Lot

Presently, the East Mesa is the most intensively developed portion of the Salk Institute campus due to its level topography and proximity to North Torrey Pines Road. The easternmost portion is dominated by a large landscaped surface parking lot known as the East Parking Lot. Originally designated on the 1962 Plot Plan as being reserved for future development, the area was re-designated for use as a surface parking lot on both Exhibit X and the 1965 Landscape Plan. Cleared in 1965 and completed by 1967, the East Parking Lot features six planting strips containing approximately eight Chinese Fringe trees (*Chionanthus retusa*). This species was chosen by Landscape Consultant Roland Hoyt because of their mature diminutive size, colorful flowers, and ability to provide sufficient shade. The East Parking Lot has undergone few (if any) changes since it was completed.

Perimeter Plantings

The East Mesa features historic perimeter plantings consisting mostly of Red Flaming eucalyptus (*E. ficifolia*) and other trees and shrubs, providing a dense screen of vegetation between the campus and adjoining roads. The 1965 Landscape Plan depicts two rows of eucalyptus trees bounding the north, east and south sides of the East Parking Lot. Unspecified ground cover was to clad the ground beneath the eucalyptus. Single rows of identical eucalyptus trees were to line the north and south sides of Salk Institute Road from North Torrey Pines Road to the westerly property line and along the north side of the North Garden. The eucalypts do not appear to have been planted until the late 1960s because they are still very small on the 1970 aerial photograph. The same aerial indicates that while eucalypts were planted along the south side of Salk Institute Road and along the northerly edge

¹ According to the National Park Service's bulletin: *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (Washington, D.C.: 1996), a cultural landscape is defined as "...a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes."

of the North Garden, they were not planted on the north side of Salk Institute Road or along the northerly edge of the North Mesa. Today, much of the perimeter landscaping remains largely intact, although adjoining landowners have removed several trees on the south side of Salk Institute Road.²

The west side of the East Parking Lot was originally to have been bounded by an alternating arrangement of Sheet Bay trees (*Laurus Nobilis*) and Southern Magnolias (*Magnolia Grandiflora*). Immediately west of this row there was to have been a row of Bucare (*Erythrina Poeppigiana*), with smaller clusters of Acacia trees at the north and south ends. Serving as a hedge, this dense row of vegetation screened the Parking Lot from the remnant historical eucalyptus grove, part of which still exists between the East Building and the historic Laboratory complex. The trees were indeed planted because they appear on the 1970 and 1984 aerials but they appear to have been removed to make way for the East Building in 1994. New eucalyptus trees were planted in a planting strip built between the East Building and the East Parking Lot ca. 1994.

Eucalyptus Grove

Located between the East Building and the historic Laboratory complex is a remnant of a historic eucalyptus grove that predates the Salk Institute. Probably planted by ranchers as a windbreak to baffle stiff onshore winds, the original provenance of the eucalyptus grove is unknown. It appears on a 1928 aerial photograph taken over Torrey Mesa. The photograph indicates that the site of what is now the Salk Institute was largely undeveloped although not untouched. The photograph depicts what appears to be pastures covering most of what is now the Salk Institute site. The only exceptions were the South Mesa and coastal canyon – which appears to retain their natural coastal sage scrub cover – and the easternmost third of the property, which at that time was covered by a grove of eucalyptus trees surrounding a small pasture or corral.

According to the 1928 aerial, the eucalyptus grove, which appears to have been planted, extended north of the existing northerly property line but did not go any further south of the historic property line indicated by present-day Salk Institute Road. In the 1928 photograph, the eucalyptus grove appears to consist of trees of varying ages, with the largest appearing to fall within the 20-25-year range. A narrow dirt road divided the eastern part of the property (the East Mesa) from the western part of the property (North and South Mesas). The aerial photograph shows that the eastern

² A note on the 1962 Plot Plan indicates that the trees on the south side of Salk Institute Road were planted as early as June 1962.

boundary of the property was defined by a eucalyptus-lined road formerly called La Jolla Scenic Drive (now North Torrey Pines Road). The southern property boundary was marked by a fence, separating it from oil tycoon William Black's La Jolla Farms.

The eucalyptus grove continues to appear on subsequent aerial photographs, evidently surviving the Camp Callan occupation. According to the 1962 Plot Plan, the eucalyptus grove was to have been left intact although its site was reserved for future development. The 1965 Landscape Plan shows a much more detailed strategy for the eucalyptus grove. Notes indicate that approximately sixty extant trees were to be retained, unspecified ground cover and bark placed on the ground, and about twelve new trees added. According to notes on the plan, the new trees were to be Brazilian Pepper (*Schinus Terebinthifolius*) and Green Ebony (*Jacaranda Acutifolia*). Exhibit X, prepared three months later, indicates the existence of the eucalyptus grove but continues to show the site earmarked for future development.

The 1970 aerial photograph shows the eucalyptus grove in place, although much of it appears to have been replanted with younger trees. Larger and presumably older trees remain at the northern and southern end of the grove. A tight grid of young trees is shown occupying much of the central and eastern portion of the grove. The 1984 aerial shows the eucalyptus grove largely matured and thickly planted with both old and newer trees. The construction of the East Building resulted in the removal of the eastern half of the eucalyptus grove. It appears most of the trees removed were younger specimens planted in the late 1960s. Several mature older trees were retained. However, since 1994 many of the older eucalyptus trees have died and been replaced in kind with younger trees.

Laboratory Complex

Located at the western end of the East Mesa where it overlooks the coastal canyon and the Pacific Ocean, the Kahn-designed Laboratory complex and adjacent landscaping comprise the central focus of the Salk Institute campus. The Laboratory complex is comprised of two, six-story (with two levels below grade), reinforced-concrete buildings flanking a central courtyard (Central Court). Both buildings measure 245' x 65' in plan, whereas the travertine-surfaced Central Court measures 270' x 90'. The Central Court is longitudinally bisected by a shallow linear water feature, or runnel, which carries a re-circulated stream of water from a small pool at the eastern end of the court to a large rectangular pool at the western end. The pool on the east side of the court is flanked by two elevated concrete planting beds that originally contained Calamondin orange trees. The orange trees, intended

as an homage to the fast-disappearing citrus landscape of Southern California, were removed as they did not do well close to the coast. They were subsequently replaced by a hardier variety of lime tree.

The landscaping of the Central Court continued to evolve well beyond the initial completion of the Laboratory complex. In early 1965, Kahn developed a plan that would place a grid of columnar Italian Cypress in the Central Court, but as construction progressed he increasingly found fault with this scheme. By the Summer of 1965, the Laboratory complex was largely complete but the Central Court was still unresolved. In 1966, Kahn sent a round-trip plane ticket to the famed Mexican landscape architect Luís Barragán, and a note requesting that he fly to San Diego. On February 24, 1966, Barragán visited the site with Kahn and his project architect Jack MacAllister. After hearing of Kahn's plans to plant trees in the Central Court, Barragán reportedly announced "Not one leaf...Don't put one leaf, nor plant, nor one flower, nor dirt. Absolutely nothing." He added: "A plaza...will unite the two buildings and at the end, you will see the line of the sea." Barragan called the plaza a "façade that rises to the sky."³

At first Kahn believed this solution to be too harsh, and he asked San Francisco landscape architect Lawrence Halprin to develop alternative plans. Halprin responded with a plan submitted in November 1966 illustrating the court filled with orange trees. The following month, Jonas Salk wrote to Kahn objecting to Halprin's scheme; endorsing instead Barragán's approach, suggesting the entire court be paved in dry-laid stone (travertine). The runnel originally proposed by Kahn was retained, with recirculated water running continuously from a small square pool at the entrance to a larger pool at the western end. Although Kahn developed several other iterations for the court, he finally settled on this simple yet effective scheme. Since its completion in 1967-68, the Central Court has not undergone any significant changes.

North Garden

The Laboratory complex is surrounded by landscape elements designed by Louis Kahn. The North Garden, an original component of the 1962 Kahn/Salk master plan, is located between the North Building and Torrey Pines Scenic Drive. Presently, the North Garden is a gently sloping grass lawn transected by several brick footpaths. The paths are illuminated by 1960s-era cylindrical bollard light fixtures. Torrey Pines Scenic Drive is lined with remnants of original perimeter plantings, some of which are Flaming Red eucalypts. As the eucalyptus trees have died, they have been replaced with

Torrey pines, which are native to this part of San Diego County. The brick path on the west side of the North Garden, which is original to the design, appears to retain a handful of original Holly oaks contained within planters. The existing North Garden has undergone few major changes since it was originally completed in the late 1960s.

South Garden

The 1965 Landscape Plan depicts the South Garden, located between the South Building and Salk Institute Road, as two separate lawn panels bounded by short concrete retaining walls. Probably due to cost overruns, the construction of the South Garden was postponed; and after the completion of the Laboratory complex in 1965, the entire area was converted into an unpaved temporary surface parking lot. In 1978, the new subterranean Cancer Research/Animal Facility was constructed beneath the site; and in 2001, the Animal Facility was expanded southward to occupy the intervening space between Cancer Research Facility and Salk Institute Road. Today, a concrete wall marks the extent of these additions. Grass lawns have been planted on their roofs, largely replicating the appearance of the South Garden as originally proposed.

C. North Mesa

Prior to the Salk Institute occupying the site, the North Mesa was used by the Army as part of Camp Callan. According to a 1940s-era U.S. Army map of Camp Callan, approximately half of what is now the Salk Institute campus was located within "Block 25" of Camp Callan, including all of the East Mesa and most of the North Mesa. The map indicates that the North Mesa was occupied by a circular drive and six ammunition magazines. In addition, there were two small structures labeled as "gas chambers" located on what is now the site of the West Interim Facility. The gas chambers were used to train draftees to recognize various types of poisonous gas and how to respond to chemical attacks.⁴

According to Kahn's original master plan, the North Mesa was to be the location of the proposed "Meeting Center" at its far western end. Landscaping was to have been minimal, consisting for the most part of trees planted alongside a footpath connecting the Meeting Center to the Laboratory complex. It is unknown what kind of trees were to be planted as the North Mesa is not included in the 1965 Landscape Plan, but trees in adjoining areas of the East Mesa were to have been Holly oaks

³ David Brownlee, *Louis Kahn: In the Realm of Architecture* (New York: Rizzoli, 1992), p. 334.

⁴ *Ibid.*, p. 36.

(*Quercus Ilex*). Cost overruns resulted in the indefinite postponement of the Meeting Center. Located on the North Mesa since before the completion of the Laboratory complex in 1965 are several "temporary" laboratory structures collectively known as the West Interim Facility. An informal unpaved parking lot occupied much of the rest of the North Mesa, with some native coastal sage scrub reclaiming the western portion. In 1985, the Salk Institute traded two acres of land on the western edge of the South Mesa for an equivalent amount of City-owned land on the southern side of the North Mesa. The land swap created enough space to construct a large paved surface parking lot on most of the land not occupied by the West Interim Facility. Three small greenhouses were also built in the late 1980s. Only small portions of the North Mesa remain undeveloped, with coastal sage scrub and vernal pools covering the upper margins of the adjoining canyon.

D. South Mesa

Prior to the occupation of the Salk Institute, the South Mesa was the section of the Salk Institute campus least impacted by human occupation. Prior to the Second World War, it was occupied by coastal sage scrub. During the War, Camp Callan occupied the North Mesa and most of the East Mesa but not the South Mesa. After the war, the South Mesa began to undergo change. The 1958 aerial photograph shows what appears to be a graded unpaved parking lot or staging area at the most level section at the center of the South Mesa. This condition remained consistent through the early 1960s when the Salk Institute began to develop its campus.

On the South Mesa, Kahn planned a residential development for visiting researchers called the "Quarters for Visiting Fellows" (Quarters). The buildings were to terrace down the ocean side of the mesa, reducing their visual prominence and taking advantage of the dramatic views. The Quarters were to be accessed by a curvilinear path that followed the rough natural contours of the site. It is not known what type of trees these were to be because the South Mesa was not included in the 1965 Landscape Plan. In addition to the Meeting Center, Exhibit X indicated that other portions of the South Mesa were to be reserved for future development. Construction of the Quarters was indefinitely postponed in response to cost overruns. During the construction of the Laboratory complex, contractors deposited excavation materials on top of the graded area on top of the South Mesa, creating the distinctive "mound" at the center of the site. Two decades later, in 1985, the City traded two acres along the north wall of the canyon for an equivalent amount of Salk Institute land at the western end of the South Mesa. On this land, the City built a wastewater pumping station (known as Pump Station #45). The property exchange altered the configuration of the property boundaries

and the construction of Pump Station #45 changed the appearance of the western end of the South Mesa. Today, the South Mesa has largely re-vegetated, although the coastal sage scrub is patchy where the mound is located.

IV. EVALUATION OF PROJECT SPECIFIC IMPACTS

A. Project Description

The Proposed Project is described in more depth in the above-referenced Technical Report. Simply expressed, it will entail the construction of 96,400 square feet (sf) of scientific/reception space, 115,182 sf of support facilities, 3,600 sf of greenhouse space, a 12,000 sf private daycare facility, a 12,000 sf short-term residential facility, and subterranean parking for approximately 1,120 automobiles. Several temporary buildings comprising approximately 29,000 sf, including the East and West Interim Facilities, will be demolished, leaving approximately 260,818 sf of existing space on the campus. The Proposed Project will therefore bring the total developed area of the campus up to 500,000 sf, the allowable maximum. Of the total 26.34-acre campus, 6.2 acres of land will remain undeveloped, a portion of which will be donated to the City for habitat preservation. The Proposed Project will require grading of approximately 11.2 acres to implement the proposed development and associated site improvements. The Proposed Project will result in changes to the historic cultural landscape of the Salk Institute Campus.

B. Status of Existing Site as a Historical Resource

On August 5, 2005, the California State Historical Resources Commission formally determined the Salk Institute eligible for listing in the National Register on the basis of its significance under Criterion C (Architecture). Upon reception by the Keeper of the National Register, OHP will assign the Salk Institute a Status Code of "2S," meaning that the property is an "Individual property determined eligible for NR by the Keeper."⁵ It will be listed in the California Register as a property formally determined eligible for listing in the National Register.⁶ The Salk Institute unquestionably qualifies as a historic resource under CEQA as defined in CEQA Guidelines Section 15064.5(a).

According to the City of San Diego's *Significance Determination Thresholds: California Environmental Quality Act* (November 2004), historical or cultural resources "include all properties (historic, archaeological,

⁵ California Office of Historic Preservation, "California Historical Resource Status Codes."

⁶ California Public Resources Code Section 5024.1(d)(1), *California Register of Historical Resources*.

landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register.” As a property that has been listed as a City Landmark, as well as a property that has been determined eligible for listing in the National Register, the Salk Institute is also a presumed historical resource under City regulations.⁷

C. Determination of Significant Adverse Change under CEQA

According to CEQA, a “project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment.”⁸ Substantial adverse change is defined as: “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.”⁹ The significance of a historic resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance” and that justify or account for its inclusion in, or eligibility for inclusion in, the California Register.¹⁰

D. Evaluation of the Project Pursuant to the Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation with Guidelines for the Treatment of Historic Properties provide guidance for reviewing proposed work to historic properties.¹¹ The Secretary of the Interior's Standards (The Standards) are typically used by Federal agencies in evaluating work on *all* historic property types included in the National Register, including building, sites, structures, landscapes, districts, and objects. The Standards have also been adopted by local government bodies across the country for reviewing proposed work to historic properties under local preservation ordinances. The Standards are a useful analytic tool for understanding and describing the potential impacts of

⁷ Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.

⁸ CEQA Guidelines subsection 15064.5(b)

⁹ CEQA Guidelines subsection 15064.5(b) (1)

¹⁰ CEQA Guidelines subsection 15064.5(b) (2).

¹¹ U.S. Department of Interior National Park Service Cultural Resources, Preservation Assistance Division, *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, 1992. The *Standards*, revised in 1992, were codified as 36 CFR Part 68.3 in the July 12, 1995 Federal Register (Vol. 60, No. 133). The revision replaces the 1978 and 1983 versions of 36 CFR 68 entitled *The Secretary of the Interior's Standards for Historic Preservation Projects*. The 36 CFR 68.3 *Standards* are applied to all grant-in-aid development projects assisted through the National Historic Preservation Fund. Another set of *Standards*, 36 CFR 67.7, focuses on “certified historic structures” as defined by the IRS Code of 1986. *The Standards* in 36 CFR 67.7 are used primarily when property owners are seeking certification for federal tax benefits. The two

substantial changes to historic resources. Conformance with the Standards does not determine whether a project would cause a substantial adverse change in the significance of a historic resource. Rather, projects that comply with the Standards benefit from a regulatory presumption that they would have a less-than-significant adverse impact on a historic resource.¹² Projects that do not comply with the Standards may or may not cause a substantial adverse change in the significance of an historic resource.

In the above-referenced Technical Report Page & Turnbull evaluated the Proposed Project for conformance with The Standards, finding the project compliant with all but two: Rehabilitation Standards 2 and 9. Because the Proposed Project impacts landscape features more so than buildings or structures, Page & Turnbull has been asked to re-evaluate the project for conformance with an alternative set of guidelines developed by the National Park Service for use with cultural landscapes. Identical to the Rehabilitation Standards, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (Cultural Landscape Standards) contain ten standards. Because this document contains standards identical to the Rehabilitation Standards, we have decided to not include a standard-by-standard analysis. Our original evaluation can be found above-referenced Technical Report. Rather, the following section will instead holistically analyze the Proposed Project for conformance with the Cultural Landscape Rehabilitation Standards.

First, we would like to include some definitions. According to our analysis, the Salk Institute is *not* defined primarily as a cultural landscape. It does, however, contain several significant designed, vernacular and natural landscapes within the boundaries of the property, most of which contribute to the significance of the property. Similar to our analysis under the Rehabilitation Standards, the primary impact of the Proposed Project is the replacement of the "historic" East Parking Lot with a new laboratory building (Torrey East Building). While of much lesser significance than the other designed landscapes, the East Parking Lot was found to be a contributing element of the National Register-eligible property. Based on our reading of the Cultural Landscape Rehabilitation Guidelines, the primary impacts remain the same. Spatial relationships that have characterized the property will be disrupted by the replacement of the parking lot with a new building. In other areas, the Proposed Project is in compliance with the Cultural Landscape Rehabilitation Guidelines; missing perimeter plantings will be replaced in kind, the historic Chinese fringe trees in the East Parking Lot will be

sets of *Standards* vary slightly, but the differences are primarily technical and non-substantive in nature. The *Guidelines*, however, are *not* codified in the Federal Register.

salvaged and replanted as part of the site landscape of the Torrey East Building, and the North Garden and eucalyptus grove will be restored to their original appearance. Nevertheless, the construction of the Torrey East Building on the East Parking Lot will alter historic spatial and circulation patterns and vegetation, failing to comply with Cultural Landscape Rehabilitation Standards 2 and 9.

IX. CONCLUSION

The cultural landscape of the Salk Institute is an important component of the historic campus of the Salk Institute for Biological Studies. Incorporating important designed, vernacular and natural areas, these landscapes form the setting of the famous Laboratory complex and Central Court at the heart of the campus. Some of the landscape elements are more significant than others, particularly the designed landscapes associated with architect Louis I. Kahn. Based on our analysis, the impact of the Proposed Project remains the same under the Cultural Landscape Standards as it does for the Rehabilitation Standards. The construction of the Torrey East Building will remove a landscape feature designed by Kahn's design team and replace it with a laboratory building that will change the campus' important character-defining features. However, the Proposed Project does, in large part, comply with the rest of the Standards, undertaking important rehabilitation work to renew and enhance the aging original landscape features.

¹² CEQA Guidelines subsection 15064.5(b)(3).

**DRAFT CANDIDATE FINDINGS AND
STATEMENT OF OVERRIDING
CONSIDERATIONS**

**FINAL ENVIRONMENTAL IMPACT REPORT FOR
SALK INSTITUTE MASTER PLAN PROJECT**

SCH No. 2004111049

I. INTRODUCTION

The following Findings and Statement of Overriding Considerations are made for the Final Environmental Impact Report (the "EIR") for the Salk Institute Master Plan project (the "project"). The EIR (Project No. 44675 /SCH No. 2004111049), which is incorporated by reference herein, analyzes the significant and potentially significant environmental impacts that may occur as a result of the proposed project.

The California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et seq. and the State CEQA Guidelines ("Guidelines") (Title 14, California Code of Regulations, §§15000 et seq.) require that no public agency shall approve or carry out a project which identifies one or more significant environmental effects of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been or can or should be adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(CEQA, §21081(a); Guidelines, §15091(a).)

CEQA and the Guidelines further require that, where the decision of the public agency allows the occurrence of significant effects which are identified in the EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the EIR and/or other information in the record. (Guidelines, §15093(b))

The project applicant has submitted the following Findings and Statement of Overriding Considerations as candidate findings to be made by the decision-making body. The Entitlement Division of the Development Services Department does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the environmental impacts of the proposed project, as well as potential reasons for approving the project despite the significant unmitigated traffic impacts identified in the EIR.

II. SUMMARY PROJECT DESCRIPTION AND PURPOSE

The 26.3-acre Salk Institute campus (the "project site") is located in the northwestern portion of the University Community Planning area in the City of San Diego, and is bounded by public roads North Torrey Pines Road, Torrey Pines Scenic Drive and Salk Institute Road. The northwest corner of the La Jolla Community Planning area is immediately south of the project site. Urban development in the form of a commercial conference center and single-family homes occupy the developed land to the south of the project site. The University of California, San Diego ("UCSD") owns developed and undeveloped property north and east of the project site. The Torrey Pines Gliderport is located on a bluff northwest of the site. Undeveloped-City-owned-land-set-aside-for-habitat-preservation-(i.e.,-Multiple-Habitat-Planning-Area ["MHPA"]) and Torrey Pines City Park is located west of the site.

Regional access to the site is from North Torrey Pines Road, while vehicular access to the site is gained from private driveways connecting to Torrey Pines Scenic Drive and Salk Institute Road. Approximately 18.4 acres of the project site are currently developed with scientific research and support facilities, surface parking areas, hardscape, landscaping, and lawn areas. Approximately 8.0 acres of the site are undeveloped and contain native habitat. The Salk Institute campus is included on the San Diego Register of Historic Landmarks, the California Register of Historic Resources, and is eligible for listing on the National Register of Historic Places.

The proposed project would include grading of 9.0 acres of the 26.3-acre site. Development of the project would be implemented in phases, perhaps over a period of several decades depending upon availability of funding, and would include expansion of the existing scientific research space on site through the construction of 186,200 square feet ("sf") of new facilities and redevelopment of 29,000 sf of temporary facilities slated for demolition. The 215,200 sf of development would bring the Salk Institute to 476,000 sf, or 24,000 sf below its maximum allowable built area of 500,000 sf under the *University Community Plan*. The proposed project would include additional scientific research building(s); construction of the Salk Community Center Building to serve the Salk Institute community and containing administrative and support space, dining facilities, and an auditorium; construction of an underground core facility, equipment shops and mechanical room to house research space and shared equipment space; and development of three new research greenhouses to replace those existing on site. New parking facilities would be provided through the phased construction of two new underground parking garages near the existing on-site surface parking lots, in addition to minimal new surface parking at key areas on the campus, for a minimum of 1,046 total spaces on site. Reconstructed and/or new driveways would be installed along Salk Institute Road and Torrey Pines Scenic Drive to access the proposed Torrey East Building and the Salk Community Center Building, respectively, and their associated underground parking areas. Informal pedestrian walkways similar to those existing on the campus would be provided throughout the project site with linkages to existing and proposed facilities. A new 5-foot sidewalk extension also is proposed within the Torrey Pines Scenic Drive right-of-way to the western property boundary.

Overall site grading is expected to require approximately 20,000 cubic yards ("cy") of cut, 2,300 cy of fill, and 200,000 cy of excavation for the proposed subterranean parking structures, day care facility, north lawn core facility, equipment shops and mechanical room. Over the build out of the proposed project, therefore, the amount of total export would equal 217,700 cy.

Discretionary actions for the proposed project would include a Master Planned Development Permit, a Site Development Permit, a Coastal Development Permit, a Vesting Tentative Map, a MHPA Boundary

Line Adjustment, and easement vacations. In addition, the proposed project would require amendments to existing Conditional Use Permit ("CUP") No. 3841 and existing Coastal Development Permit/Hillside Review Permit/CUP No. 90-1140.

As described in Section 3.1 of the EIR, the primary goals of the project include developing a project that:

- Is compatible with the primary goals and objectives of the *University Community Plan*, the *North City Local Coastal Program* and applicable sections of the City of San Diego Municipal Code ("SDMC");
- Is consistent, in terms of general scope, planning and architectural theme, with Jonas Salk's original vision for the research institute property developed by Jonas Salk and Louis Kahn in the 1961 Master Plan ("1961 Master Plan") and CUP No. 3841, which precludes urban densities in any one area, maintains access to the natural setting and avoids inappropriate land use adjacencies;
- Allows the Institute to develop new and expanded scientific research facilities as provided for in the *University Community Plan*, while using the Institute's funds in the most cost-effective manner possible and retaining the maximum possible funds for its core scientific mission;
- Helps the Institute remain competitive with other national research institutions in attracting and retaining top researchers by providing on-site amenities, such as an employee community center with indoor and outdoor meeting spaces, an auditorium and dining facilities; and state-of-the-art scientific research facilities, that are respectful of the historic architecture and integrated with the surrounding open space;
- Provides state-of-the-art scientific research space that will help attract new research funding and train the best and brightest scientists in the world in an inspiring and collaborative setting with exceptional faculty and staff and will house the latest equipment technology that will allow Institute employees to fulfill their institutional missions of fundamental discoveries in the life sciences, the improvement of human health and conditions and the training of future generations of scientists;
- Provides the centralized support facilities (i.e., Salk Community Center Building) for the Institute that will be placed on site in a manner that balances the sensitive natural and historic resources with the need for adequate site security;
- Creates new underground parking areas on site that sufficiently satisfy the parking needs of the entire facility and minimizes surface parking;
- Preserves and enhances views of the ocean and scenic coastal resources recognized in applicable local, regional and state plans and policies;
- Enhances and expands environmental protection for environmentally sensitive areas on site by adding land to the City's MHPA;
- Provides landscaping plans and architectural and landscape design guidelines to ensure creation of an aesthetically pleasing development project that complements the existing

landscape and permanent structures on site, respects the site's historical integrity and landscape with high design standards and enhances publicly accessible views in the project area; and

- Allows for the removal of all temporary buildings on the property.

III. ISSUES ADDRESSED IN EIR

The EIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. The major issues that are addressed in this EIR were determined to be potentially significant based on review by the City of San Diego. These issues include land use, visual quality/neighborhood character, biological resources, historical resources, traffic/circulation, air quality, noise, hydrology/water quality, geology, and paleontological resources.

IV. SUMMARY OF IMPACTS

The FEIR concludes that the proposed project will have no significant impacts with respect to the following issues: Land Use, Visual Quality/Neighborhood Character, Air Quality, Hydrology/Water Quality, and Geology.

Potentially significant impacts from the proposed project on the following issues will be mitigated to below a level of significance by existing regulations/standard conditions, project design features/special development requirements, and/or mitigation measures that will be made conditions of project approval: Biological Resources, Historical Resources, Noise, and Paleontological Resources.

Impacts related to Traffic/Circulation (I-5/Genesee Avenue Interchange) will remain significant and unmitigated, despite the adoption of all feasible mitigation measures.

V. FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (PUBLIC RESOURCES CODE §21081(a)(1))

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the project which would mitigate, avoid, or substantially lessen to below a level of significance the following potential significant environmental effects identified in the EIR on biological resources (direct), historical resources (direct), noise (direct), and paleontology (direct).

A. Biological Resources (Direct and Indirect)

Potential Impacts: Development of the proposed project would result in direct impacts to biological resources.

Because the eucalyptus trees on site may provide nesting habitat for several raptor species, direct impacts could occur to nesting raptors as a result of project implementation.

Project grading and Zone 1 brush management would impact the following sensitive upland habitat types:

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- Maritime succulent scrub (Tier I): 0.03 acre, of which 0.02 acre occurs within the existing on-site MHPA.
 - Diegan coastal sage scrub, including disturbed (Tier II): 0.05 acre, including 0.04 acre disturbed.

Impacts to less than 0.1 acre of sensitive habitats and 8.90 acres of disturbed habitat, ornamental areas and developed land are not considered significant.

No impacts would occur to on-site wetlands or riparian habitats, such as vernal pools, southern willow scrub, or jurisdictional areas.

Although 0.05 acre would be subtracted from the existing MHPA on site, 1.27 net acres would be added to the MHPA through a boundary line adjustment; therefore, a net increase in MHPA would result and no significant impacts would occur with respect to the provisions of the City's Multiple Species Conservation Program ("MSCP") Subarea Plan.

Project construction and brush management implementation would result in potentially significant indirect impacts due to noise, brush management/invasive species intrusion, and grading/land development, resulting in adverse edge effects to the MHPA.

Facts in Support of Findings: The project's significant direct and indirect impacts to biological resources would be mitigated to below a level of significance with implementation of Mitigation Measures 5.3-1 through 5.3-7 identified in Section 5.3.2 of the Final EIR. Implementation of these measures would be assured through incorporation into the project's MMRP and shall be conditions of project approval.

In order to mitigate for potential impacts to nesting raptors, a preconstruction survey shall be conducted and no construction shall occur within 300 to 500 feet of any occupied nest(s) until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season.

In order to ensure management of the native habitat in the MHPA, the project applicant would fully fund the project Habitat Management Plan endowment of \$44,500 and implement the plan.

To address indirect noise impacts to the coastal California gnatcatcher from construction during the breeding season, the construction drawings shall indicate the need for pre-construction surveys and avoidance of occupied habitat within the MHPA during the breeding season. No clearing, grubbing or grading of areas occupied by the gnatcatcher would be allowed during the breeding season unless, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) are implemented to ensure that noise levels resulting from construction activities would not exceed 60 A-weighted decibels (dBA) hourly average at the edge of habitat occupied by the coastal California gnatcatcher.

To prevent indirect impacts from invasive species in the MHPA, the City shall verify that plants in any category of the California Invasive Plant Council ("Cal-IPC") list, or otherwise known to the City to be invasive species, are not being used in the final landscape plans.

To address indirect impacts during grading operations, all sensitive areas to be avoided shall be flagged, and the contractors shall be informed regarding no-entry areas. The entire limits of grading shall be fenced with silt fencing and orange construction fencing to preclude entry into sensitive MHPA or other

preserved areas and prevent sedimentation of off-site areas. During grading, a biological monitor shall conduct site visits to assure that construction personnel and equipment do not encroach upon any sensitive areas. A monitoring results report with appropriate graphics summarizing the results, analysis and conclusion of the monitoring program would be submitted to the Development Services Department of the City of San Diego.

B. Historical Resources (Direct)

Potential Impacts: The project's proposed removal of the existing east parking lot, including the Chinese fringe trees, and construction of the Torrey East Building on the east mesa of the Salk Institute campus would significantly alter existing spatial relationships, as identified in the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings ("Rehabilitation Standards"). Impacts to these spatial relationships would be minimized because of its general consistency with the Kahn site plan (which anticipated future development on the east mesa), incorporation of an atrium feature in the proposed Torrey East Building and enhancements to the perimeter landscaping. Nonetheless, a significant physical impact to historical resources would occur due to alterations of spatial relationships combined with the removal of the historic east parking lot landscaping (i.e., Chinese fringe trees).

Potential impacts could occur to Camp Callan-related historic-era archaeological resources on the north mesa of the Salk Institute campus. Based on consultation with the Native American community, potential impacts also could occur to unknown prehistoric archaeological resources on site, including archaeological resources associated with religious or sacred uses, or the discovery of buried human remains. In the absence of precise information regarding the exact location of any such buried resources, if any are in fact present on the campus, it is assumed that any related impacts would be significant.

Facts in Support of Findings: Potentially significant impacts to historical resources related to east parking lot spatial relationships and historical landscaping would be mitigated to below a level of significance by implementation of Mitigation Measures 5.4-1 through 5.4-3. Mitigation would require the applicant to remove the existing Chinese fringe trees from the east parking lot and replant them as part of the landscaping for the proposed Torrey East Building. The project landscape concept plan also would be required to restore as much of the Institute's original perimeter plantings as possible, and shall include the replanting of healthy, existing perimeter plantings in a manner identical to the 1965 Landscape Plan. Other landscaping shall use the same species "palette" as that of the 1965 Landscape Plan, to the extent practicable given existing City regulations regarding invasive species near the MHPA. Finally, the final design for the Torrey East Building must feature a ground-level, two-story atrium to permit limited visibility through the building to the courtyard of the original laboratory building, as specified in the Architectural Design Guidelines of the Master PDP.

Potentially significant impacts to historic-era archaeological resources related to Camp Callan would be mitigated to below a level of significance by implementation of Mitigation Measures 5.4-4 through 5.4-8. A records search must be verified and an archaeologist must monitor all excavation and/or grading activities for the proposed building sites that overlap with potential Camp Callan-era structures. Any cultural remains collected, as applicable to the site, shall be permanently curated with an appropriate institution. A monitoring report documenting the monitoring effort will be provided after construction is complete.

Potentially significant impacts to unknown prehistoric archaeological resources, including archaeological resources associated with religious or sacred uses, or buried human remains, would be mitigated to below a level of significance by implementation of Mitigation Measures 5.4-9 through 5.4-14. After records search verification, Native American monitoring must be conducted during grading/excavation/trenching, and (if necessary) curation shall occur. Additionally, should burials/cremations or features be located, site excavation and/or grading activities would be halted for a period of time sufficient to allow for excavation and removal of the resources. A final monitoring results report summarizing the results, analysis and conclusion of the monitoring program (with appropriate graphics) would be submitted to the Development Services Department of the City of San Diego.

C. Noise (Direct)

Potential Impacts: Construction of the proposed project would result in periodic noise levels that could exceed the City's noise threshold of 75 dBA. Construction noise could affect off-site residences along the southern property line during implementation of the Torrey East Building and greenhouses. The impacts would be temporary but considered significant.

Facts in Support of Findings: Implementation of Mitigation Measures 5.7-1 through 5.7-4 would reduce the temporary construction noise impacts to off-site receptors to below a level of significance. The measures require preparation of a construction noise control plan(s), the use of equipment with the lowest possible sound levels and acoustic heights, and the operation and maintenance of equipment so as to minimize noise generation. If deemed necessary by an acoustical consultant, temporary noise attenuation barriers shall be provided for standard construction activity, and portable noise screens or enclosures shall be utilized for high noise activities/with equipment. The noise barriers would be required to block line-of-sight between source and receiver, be constructed of solid material, and be long enough to prevent sound from flanking around the end of the barrier.

D. Paleontology (Direct)

Potential Impacts: Implementation of grading and excavation for the proposed project would have the potential for significant direct impacts to paleontological resources in areas underlain with moderate and high sensitivity fossil-bearing geologic formations.

Facts in Support of Findings: Potential direct impacts would be mitigated to below a level of significance by implementation of Mitigation Measures 5.10-1 through 5.10-5. Mitigation would require that a qualified paleontologist and/or paleontological monitor implement a paleontological monitoring program. The monitor would be present on site full-time during grading/excavation/trenching activities. In the event of a discovery, the monitor would divert, direct or temporarily halt construction activities in the area of discovery to allow recovery of fossils. The monitor shall be responsible for preparation of fossils to a point of curation, as defined by the City of San Diego Paleontological Guidelines. The monitor also shall be responsible for the recordation of any discovered fossil sites with the San Diego Natural History Museum. A final monitoring results report summarizing the results, analysis and conclusion of the monitoring program (with appropriate graphics) would be submitted to the Development Services Department of the City of San Diego.

VI. FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES (PUBLIC RESOURCES CODE §21081(a)(3))

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §21081(a)(3) and Guidelines §15091(a)(3) that (i) the EIR considers a reasonable range of project alternatives, and (ii) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the proposed project alternatives identified in the EIR as well as other alternatives or mitigation measures which would reduce the following impact to below a level of significance.

A. Infeasibility of Mitigation for Significant Unmitigated Impacts

1. Traffic/Circulation (Direct and Cumulative)

Potential Impacts: The proposed project would considerably contribute to delays at the intersection of Interstate 5 ("I-5")/Genesee Avenue, resulting in significant direct and cumulative traffic/circulation impacts at this freeway intersection.

Facts in Support of Findings: Although the proposed traffic/circulation mitigation measures would require the applicant to pay fair-share fees consistent with the phasing schedule that would contribute funding toward planned intersection improvements, the applicant cannot solely bear the cost of the improvements to the I-5/Genesee Avenue intersection, as its fair share contribution would amount to less than 0.001 percent of the entire cost of the intersection improvement project, estimated at \$390 million according to the North University City Public Facilities Financing Plan Fiscal Year 2007. Furthermore, neither the City of San Diego nor Caltrans have committed to the improvements so they are not assured at this time; thus direct and cumulative impacts would remain significant and unmitigable until such improvements are constructed.

It would be both unreasonable and infeasible for the applicant to singularly construct all the necessary improvements to the intersection, given their scale (e.g., replacement of the overpass, construction of two additional lanes, etc.), and their expected cost (estimated at \$390 million as per above), as such improvements would require numerous approvals, commitments and funding from other agencies to be successfully completed. The additional traffic generated by the project would constitute only a small portion of the expected cumulative impact to this intersection, as described in the EIR. Specifically, the project would add less than 50 cars to the subject interchange during peak hours at build out, with approximately 3 percent of trips through the interchange in the PM peak hour being generated by the proposed project. Moreover, the project's contribution to ADT on both the northbound and southbound freeway segments surrounding the impacted intersection would be less than 0.1 percent at build out.

Mitigation Measure 5.5-1 would require the applicant to contribute funds at a rate of \$1,000.00 per trip impacting the freeway, up to \$350,000.00, for regional improvements at the I-5/Genesee Avenue intersection. Per Mitigation Measure 5.5-2, the applicant also would continue to participate in the current Transportation Demand Management ("TDM") Plan shuttle arrangement and, prior to the certificate of occupancy on project building(s) that would create new traffic, would determine whether it will continue to participate in the current arrangement or begin to provide a private shuttle service for its employees between the project site and regional transit centers. In addition, the applicant will also pay approximately \$2 million in Facilities Benefit Assessment ("FBA") fees in accordance with City policies, a portion of which would go towards funding planned improvements at the impacted intersection (i.e.,

North University City ["NUC"] FBA project NUC-24). Lastly, the phasing and timing of the project build out may be such that a portion of the applicant's planned development may not be completed until after all or a portion of the improvements to the interchange have been implemented or at least financially assured—as such, the full potential impact of the project on the interchange may not be fully realized.

The payment of fair-share fees typically would render impacts from the project less than cumulatively considerable, and in accordance with Guidelines § 15130(a)(3), would alleviate this cumulative significant impact. As noted above, however, the overall intersection improvements are not assured, even with the application of the project's fair-share contribution, due to circumstances beyond the applicant's control. Therefore, despite implementation of the above mitigation measures, impacts to nearby freeway ramps would remain significant and not mitigated.

B. Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts

In accordance with § 15126.6(a) of the Guidelines, an EIR must describe "a range of reasonable alternatives to the project, or to the location of the project, which would reasonably attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project," as well as "evaluate the comparative merits of the alternatives." An EIR need not consider every conceivable alternative to the project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making.

Section 8.0 of the EIR for the Salk Institute Master Plan project examined six project alternatives in terms of their ability to meet the primary objectives of the proposed project, and eliminate or further reduce its significant environmental effects. As noted in the Preface to the Final EIR, the applicant has chosen to modify the proposed project to eliminate the daycare facility and housing quarters, which were both considered ancillary uses to the overall scientific research use. These alternatives are still appropriate under CEQA, despite changes to the proposed project (i.e., Refined Project Design), because they represent the range and configuration of uses that could be considered ancillary to the scientific research mission for the Institute. In addition, some of the alternatives are comparable in configuration to the Refined Project Design (i.e., no development on the south mesa).

The following alternatives were considered in detail in the EIR: (1) No Project/No Development Alternative, (2) Alternative Salk Community Center Building Layout, (3) North Mesa Intensified Development Alternative, (4) Neighborhood Proposed Alternative, (5) Reduced Project Alternative, and (6) East Parking Lot Avoidance Alternative. This range includes various degrees and natures of development in accordance with § 15126.6(a) of the Guidelines. Each of these alternatives is summarized below. Although the No Project Alternative would result in minimal environmental impacts, the State CEQA Guidelines require identification of an alternative other than the No Project Alternative as Environmentally Superior. Because it would reduce the severity of significant and unmitigable traffic impacts identified for the proposed project relative to the other project alternatives, the Reduced Project Alternative is considered to be the Environmentally Superior Alternative.

1. No Project/No Development Alternative

The No Project Alternative is the "circumstances under which the project does not proceed." This alternative would not achieve any of the basic objectives of the project, and would not allow build out (i.e., to 500,000 sf) of the subject property at the development intensity assumed in the University Community Plan. This alternative assumes that the Salk Institute Master Plan would not be adopted; the existing

permits would not be amended; and the Site Development Permit, Coastal Development Permit, Master Planned Development Permit, Vesting Tentative Map, and Design Guidelines would not be issued. The existing surface parking lots would remain in their current conditions. No expansion of the scientific research space would be implemented; no new underground parking facilities would be built; and no support facilities, such as dining facilities, administrative support uses, temporary residential quarters or a daycare facility would be developed on site. None of the existing biological resources in the western portion of the site would be dedicated to the City for inclusion in the MHPA.

Potential Impacts: A summary of the environmental impacts of this alternative as compared to the proposed project (i.e., Refined Project Design) and other alternatives is provided in Table P-4 of the Preface to the Final EIR. The No Project Alternative would avoid certain significant project-related impacts to biological resources, historical resources, transportation/circulation (direct impacts), noise (construction-related), and paleontological resources. Although this alternative would not produce additional traffic or parking demands, the Institute's existing traffic would continue to contribute to degraded conditions at the intersections of the I-5/Genesee Avenue interchange; thus, cumulatively significant traffic impacts would still occur. Based on the discussion in Section 8.0 of the EIR, this alternative is rejected based on its inability to achieve the basic project objectives and the fact that it does not avoid or substantially lessen cumulative traffic impacts.

Facts in Support of Findings: The No Project Alternative is rejected as infeasible because it would not meet the basic objectives of the project, including allowing the Salk Institute: to implement the general scope of the Kahn-Salk vision for the property; to expand its existing on-site facilities in compliance with the *University Community Plan*; to provide much needed scientific research space in a collaborative setting; to centralize support uses, to underground parking areas; to enhance views of the ocean and scenic coastal resources; to expand protection for environmentally sensitive areas on site through a MHPA dedication; and to provide landscape plans that would enhance the existing landscape. Furthermore, although this alternative would preserve existing views, it would not enhance them since the parking lot would not be redeveloped and the existing light standards, surface parking lot and temporary buildings would remain.

2. Alternative Salk Community Center Building Layout

Under this alternative, the project would be constructed in a manner similar in scale and layout to the proposed project, with the exception of the design and layout of the Salk Community Center Building. This alternative would implement the Salk Community Center Building in four separate sections, with two pairs of two internally connected buildings constructed in a northwest-to southeast-oriented row atop the proposed north underground parking garage, covering most of the north mesa and paralleling Torrey Pines Scenic Drive. Similar to the proposed project, the Alternative Salk Community Center Building would house administrative space, dining facilities, meeting rooms and an auditorium, and would be used for dining and social gatherings by Institute employees. The rooflines of the Salk Community Center Building under this alternative would descend from the easternmost to the westernmost section, rising no more than 30 feet above grade (thus avoiding the need for a deviation from the maximum structure height regulations of the underlying residential zone, as required for the proposed project). A two-level parking structure would be constructed beneath each pair of the Salk Community Center Building under this alternative, with pedestrian and vehicular access to the building and parking structures provided through new pathways and via new driveways off Torrey Pines Scenic Drive. As with the proposed project, all parking would be accommodated on site under the Alternative Salk Community Center Building Layout. This alternative also would feature a smaller Torrey East Building that would be constructed as two wings separated by an internal courtyard open on the east and west elevations; a slightly larger and

more easterly located daycare facility; and a slightly more easterly located housing quarters, with a north-south orientation rather than the proposed east-west orientation. This alternative would not allow the project applicant to construct the 476,000 sf of scientific research space requested in the application, because it does not account for the square footage lost by the demolition of existing research space within temporary buildings on site (i.e., 29,000 sf). Therefore, the Salk Institute would be 471,000 sf in size upon adoption and implementation of the Alternative Salk Community Center Building Layout.

Potential Impacts: A summary of the environmental impacts of this alternative as compared to the proposed project is provided in Table P-4, and analysis is provided in Preface to the Final EIR. Due to the construction of multiple building sections (i.e., the Salk Community Center Building) that would wall off views of the ocean and scenic coastal areas along Torrey Pines Scenic Drive, resulting in inconsistency with SDMC implementing regulations for projects in the Coastal Overlay Zone and land use policy protecting visual resources, this alternative would create potentially significant and unmitigable project impacts to visual quality/neighborhood character that would not exist for the proposed project. In contrast to the proposed project, direct impacts to biological resources caused by this alternative would be greater than in terms of acreage and would be considered significant due to the sensitivity of the habitat impacted. Indirect impacts would be similar to the proposed project. Direct and indirect impacts to biological resources would, however, be mitigable under this alternative. Impacts to land use, historical resources, traffic/circulation, air quality, noise, hydrology/water quality, geology and paleontology would be similar to those anticipated for the proposed project.

Facts in Support of Findings: Although the Alternative Salk Community Center Building Layout would be consistent with many of the basic objectives of the proposed project, it would incorporate the daycare and housing uses that would cause additional impacts to biological resources, worsen construction noise impacts and eliminate and not enhance the public view corridor across the north mesa to the ocean and scenic coastal resources nearby, creating new significant and unmitigable project impacts to visual quality/neighborhood character due to non-compliance with land use policies and SDMC implementing regulations that would not be expected under the proposed project. Additionally, it would not reduce or avoid significant and unmitigable project and cumulative impacts to traffic/circulation at the intersections of the I-5/Genesee Avenue interchange that would occur under the proposed project. Moreover, this alternative would reduce employment opportunities for highly trained workers by reducing building area by 5,000 sf space, rendering it potentially infeasible as discussed in § 15091(a)(3) of the Guidelines.

3. North Mesa Intensified Development Alternative

This alternative would modify the footprint and design of the proposed project and eliminate development on the south mesa by shifting the proposed daycare facility and temporary housing quarters to a location atop the proposed underground parking structure on the north mesa. Under the Refined Project Design, the North Mesa Intensified Development Alternative would result in 24,000 sf more building area than the proposed project. By eliminating development on the south mesa, this alternative would minimize total direct project impacts on sensitive biological (upland) habitats similar to the proposed project.

No changes in the location of the Salk Community Center Building or the associated parking structure would occur to accommodate the shifted uses of this alternative, although the addition of a partial fourth underground parking level and upgrading of the parking structure itself to accommodate the structural loads of the proposed buildings would be necessary under this alternative. Additionally, utilities for the daycare facility and housing quarters would have to be branched across the underground parking structure, which would require deeper floor heights and excavations than originally proposed. The Torrey

East Building, north lawn core facility and greenhouses would be constructed in the same locations and as described for the proposed project. This alternative would allow for the maximum build out of 500,000 sf, and would require City approval of all the same permits as the proposed project. Similar to the proposed project, the MHPA boundary line adjustment would not extend across the south mesa since it would remain undeveloped under the North Mesa Intensified Development Alternative. The existing pavement area on the north mesa would be removed under this alternative, and a portion of it would be recontoured and revegetated with native species similar to the proposed project.

In addition to design concerns surrounding the North Mesa Intensified Development Alternative discussed in Section 8.0, Alternatives, of the EIR (including daycare facility issues related to safety/security, air quality, noise and reduced square footage of play yard and environmental education space), development of the daycare facility and housing on the roof-top of the parking structure would eliminate the park-like landscaped open space envisioned for the view corridor on the north mesa that would be preserved and enhanced by the proposed project. Furthermore, the alternative housing would not be separated from the scientific research uses on campus nor integrated with the natural landscape, the landscape buffer around the units would be substantially smaller than required by the SDMC, and no accessible pathways or tree buffers would be provided amongst the units. Surface parking adjacent to the proposed housing quarters would also be shifted to the underground parking structure. Similar to the daycare facility, the units would be exposed to 24-hour parking garage effects and a constant flow of pedestrian traffic between the Salk Community Center Building and the scientific buildings on campus. In conjunction with these potential effects, any future development along Torrey Pines Scenic Drive by UCSD could result in increased traffic, lighting and pedestrian activity in the vicinity, further degrading the quality, aesthetics and privacy of the housing quarters and potentially diminishing their appeal to visiting and new scientists.

With regard to the objectives of the Refined Project Design, the North Mesa Intensified Development Alternative would not be consistent with the scope and general intent of the planning and architectural theme envisioned for the site, would result in inappropriate land use adjacencies on the north mesa, would eliminate the public view corridor across the north mesa and would not enhance existing landscape and structures.

Potential Impacts: A summary of the environmental impacts of this alternative as compared to the Project is provided in Table P-4, and analysis is provided in Preface to the Final EIR. The North Mesa Intensified Development Alternative would create a new significant and unmitigable project impact to visual quality/neighborhood character and would not avoid any of the significant project impacts identified in the EIR (including the significant and unmitigable direct and cumulative impact identified for traffic/circulation), and would not achieve many of the basic project objectives.

The North Mesa Intensified Development Alternative would result in a new and significant unmitigable project impact to visual quality/neighborhood character related to non-compliance with land use policies and SDMC implementing regulations protecting views of the ocean and scenic coastal areas from public roadways for projects in the Coastal Overlay Zone. Although this alternative would have similar direct project impacts to biological resources (upland habitat) as the proposed project, significant indirect impacts on the MHPA would still occur due to land use adjacency issues related to lighting and landscaping, while no increased protection of sensitive upland habitat on the south mesa or vernal pools on the north mesa would occur. Indirect biological impacts would be mitigable under this alternative as for the proposed project. Impacts in the areas of land use, traffic/circulation (significant and unmitigable), air quality, hydrology/water quality, and geology would remain the same as or slightly less than

anticipated with the proposed project. Potentially significant impacts on adjacent residences from temporary construction noise would be the same as expected for the proposed project, including temporary construction noise impacts from implementing Torrey East Building and the greenhouses would still be expected. Significant impacts to historical resources caused by changes in spatial relationships would be far greater than under the proposed project, due to the much greater development intensity on the north and east mesas and the resultant lack of a sufficient buffer between the original laboratory buildings (i.e., existing historic architecture) and the new development. Potentially significant impacts to unknown (buried) historic and prehistoric archaeological resources would be the same as the proposed project. Significant impacts to paleontological resources could be worsened due to the increased excavation into formational materials caused by the additional parking garage level required by this alternative. In contrast to the proposed project, the potential would exist for sensitive land uses (i.e., daycare facility and housing) to be exposed to indirect or secondary environmental impacts caused by their proximity to the proposed parking garage and the existing scientific research facilities and public roadway.

Facts in Support of Findings: The North Mesa Intensified Development Alternative is rejected as infeasible because it would result in inappropriate land use adjacencies on the north mesa; would not produce a project that enhances the existing landscape and structures; and would eliminate the public view corridor along Torrey Pines Scenic Drive that is preserved and enhanced by the proposed project. The amount of view blockage under this alternative would be substantial compared to the proposed project, and the failure of this alternative to meet the key project objective related to preservation and enhancement of views also contributes to the addition of the new significant and unmitigable impact to visual quality/neighborhood character that would not exist for the proposed project. In addition, this alternative would require the Institute to expend substantially more funds sooner in their development phases than currently anticipated since the underground parking garage would be larger than under the proposed project and would have to be constructed in association with the daycare facility and housing quarters. Finally, this alternative would create a new significant and unmitigable project impact (described above); would not avoid any of the significant project impacts; and would not achieve many of the basic project objectives, as it would not be compatible with applicable policies of the SDMC Coastal Overlay Zone regulations, would not implement Kahn's vision for the site and would not preserve and enhance views of the ocean and scenic coastal resources.

4. Neighborhood Proposed Alternative

Under this alternative, the project applicant would construct the alternative design scheme (site plan) requested by the residential neighbors to the south of the project site during the EIR scoping process. Like the North Mesa Intensified Development Alternative, this alternative would substantially modify the arrangement of uses on the north mesa. It would eliminate all development on the south mesa and shift development to the parking lot on the north mesa away from areas visible to the private residences to the south; it would also avoid perceived effects on land use compatibility with the neighbors and sensitive habitat on the south mesa. With no development constructed on the south mesa, the proposed daycare facility and temporary housing quarters would be shifted to the western end of the north mesa, and approximately 40,000 sf of the proposed Salk Community Center Building would be eliminated to make room for the uses shifted to the north mesa. This alternative would thus reduce the amount of support uses and increase slightly the amount of scientific research uses developed on site, resulting in approximately 10,000 sf less building area than the proposed project and a maximum build out of 465,000 sf. The north mesa also would be the site of a two-story environmental garden (atop the underground parking structure) and promenade (south of the Salk Community Center Building) under this alternative.

As compared to the North Mesa Intensified Development Alternative and the proposed project, this alternative would reduce the height (to two stories rather than three) and overall size of the Salk Community Center Building and shift it to a higher elevation on the east end of the parking lot. The Neighborhood Proposed Alternative would also place the (formerly proposed) daycare facility and housing on the west end of the existing north parking lot, at a lower elevation than the proposed Salk Community Center Building and spread out over a greater horizontal area than under the proposed project. The housing quarters, positioned between the parking garage and the single-story daycare facility, would be reduced in height to single-story structures under the Neighborhood Proposed Alternative. On the east mesa of the campus, this alternative would increase the size of the proposed Torrey East Building by 6,000.s.f. more than the proposed project, thereby eliminating the transparent central atrium that would allow a visual connection between the historic courtyard and the public roadway, and locating the building immediately adjacent to Torrey Pines Road, thus removing the landscape buffer along the building's eastern elevation. As with the proposed project, the Torrey East Building would be two-stories high and sited above the proposed underground parking structure, which would accommodate more spaces than the proposed project east parking structure.

Potential Impacts: The 34,000-sf reduction in space that would occur under this alternative would not allow the Institute to reach its proposed 476,000-sf capacity. The resultant reduction in size of the Salk Community Center Building would result in fewer employment opportunities for highly trained workers, thus making it potentially infeasible as described in Guidelines § 15091(a)(3). The Neighborhood Proposed Alternative would create a new significant and unmitigable project impact to visual quality/neighborhood character that would not exist for the proposed project, through the siting and massing of multiple buildings that would wall off views of the ocean and scenic coastal areas along Torrey Pines Scenic Drive, causing an inconsistency with multiple land use policies and Coastal Overlay Zone implementing regulations in the SDMC pertaining to the protection of visual resources. Direct and indirect impacts to biological resources on the south mesa would be the same as the proposed project. All of the existing pavement area in the parking lot would be developed under this alternative and none of the parking lot area would be revegetated with native species for use as a drainage swale and buffer to the MHPA and vernal pools (as it would be with the proposed project). As compared to the proposed project, therefore, this alternative would cause additional direct impacts due to Zone 1 brush management impacts to vernal pool habitat and a gnatcatcher territory on the north mesa. The amount of habitat shifted into the MHPA would be similar to that of the proposed project, due to the exclusion of any south mesa habitat. This alternative also would result in indirect impacts to vernal pools, as it would not increase the buffer distance between existing development on the north mesa and vernal pools to the northwest. Indirect impacts to breeding gnatcatchers and raptors would be similar to the proposed project.

Direct and cumulative traffic/circulation impacts would be slightly less than the proposed project, but still significant and unmitigable at the intersections of the I-5/Genesee Avenue interchange. Temporary construction noise impacts would be relocated from nearby residences to the proposed daycare and housing facilities, and would be worse under this alternative than the proposed project. Impacts to air quality, hydrology/water quality, geology and paleontology would be similar to or slightly less than those anticipated for the proposed project. In contrast, the impact of this alternative on some historic resources (i.e., spatial associations on the east mesa) would be greater than that of the proposed project due to the intensification of development on the north and east mesas. The placement of most of the development on the north mesa would have a greater impact upon on-site spatial relationships, relative to the proposed project, due to its inconsistency with the Secretary of the Interior's Rehabilitation Standard indicating that all new construction should be distanced and differentiated from the existing historic resources via

sufficient observance of a buffer around the existing historic architecture (i.e., the original laboratory buildings). Potentially significant impacts to historic and unknown (buried) prehistoric archaeological resources would be slightly less than the proposed project. This alternative would potentially create a land use conflict since sensitive land uses (i.e., daycare facility and housing) would be exposed to indirect or secondary environmental impacts caused by their proximity to the parking garage, public roadway and scientific research facilities.

Facts in Support of Findings: With regard to the objectives of the proposed project, the Neighborhood Proposed Alternative would not be consistent with the scope and general intent of the planning and architectural theme envisioned for the site, would result in inappropriate land use adjacencies on the north mesa, would eliminate the public view corridor across the north mesa and would not enhance existing landscape and structures. This alternative would create a new significant and unmitigable visual quality impact, would not avoid the significant and unmitigable traffic impacts and would not achieve many of the basic project objectives (as noted above). Therefore, the Neighborhood Proposed Alternative is rejected.

5. Reduced Project Alternative

The Reduced Project Alternative would involve scaling back the proposed project to a development level that would reduce direct project traffic impacts to less than significant levels. The project traffic engineer was consulted to define the amount of scientific research space that the Institute could construct without causing a 2.0 second or more delay at the I-5/Genesee Avenue interchange (i.e., intersections and ramps).

Based on City significance thresholds and the Traffic Impact Study Manual, the project traffic engineer calculated that a maximum generation of approximately 320 ADT would substantially reduce peak hour trips to below significance thresholds for the affected intersections, such that significant direct traffic impacts would be avoided. Based on that input, it was determined that the project applicant would be restricted to constructing a maximum of 40,000 sf of new scientific research building(s) under the Reduced Project Alternative, instead of the 215,200 sf contained in the proposed project. Adoption of the Reduced Project Alternative would, thus, limit the developed space on campus to a total of approximately 300,000 sf (including existing space). This alternative would still allow the Institute to demolish and reconstruct replacement space for the 29,000 sf of existing temporary buildings. The Reduced Project Alternative would substantially reduce the parking requirements of the proposed project (by approximately 500 spaces), eliminating the need for one of the underground parking garages originally proposed.

The proposed daycare facility, north lawn core facility, maintenance shops/shared equipment area and greenhouses could be constructed under the Reduced Project Alternative since those uses would not generate new off-campus vehicle trips as described in the EIR (see page 5.5-8 of the EIR and Table 2-1 of Appendix D, Transportation Analysis). These allowable facilities would be constructed in the same locations they were originally proposed in. For the purposes of this analysis, it is assumed that the new scientific research building(s) would be constructed on either the east or north parking lots. The temporary housing quarters and Salk Community Center Building would not be constructed as part of this alternative.

Adoption of this alternative would require City of San Diego approval of amendments to existing permits, a Master Planned Development Permit, a Site Development Permit/Coastal Development Permit and Vesting Tentative Map. The project applicant would likely propose a MHPA boundary line adjustment, to compensate for impacts to biological resources caused by the daycare facility, but it would be larger

than the proposed project and would not involve any removal of MHPA. No building height deviation would be required for this alternative.

Potential Impacts: The Reduced Project Alternative would not avoid potentially significant project impacts to historical resources, including known historic and unknown (buried) prehistoric archaeological resources. It would, however, allow the Institute the option to avoid disturbing known historic resources in the east parking lot associated with spatial relationships and historically significant landscaping, if the scientific research building(s) was to be constructed instead on the location of the existing north parking lot. Traffic/circulation levels would be substantially less than the proposed project and significant and unmitigable direct project impacts at the I-5/Genesee freeway interchange would be avoided. Even with payment of the applicant's fair-share fees, however, cumulative traffic impacts would remain significant and unmitigable due to the overall degraded condition of the interchange and the scale of required improvements, which is beyond the scope of the fair-share contribution and proposed mitigation requirements of a single project. Impacts to biological resources would be more than the proposed project because habitat disturbance from the proposed daycare facility would occur there. Zone 1 brush management on the north mesa would be minimized by the Reduced Project Alternative, since new construction on the north mesa would be substantially smaller in size and may require less fuel modification in native habitat. Potentially significant and mitigable indirect impacts to habitat and species in the MHPA would be slightly greater to that of the proposed project due to the daycare facility. Impacts to visual quality/neighborhood character, air quality, noise, hydrology/water quality, geology and paleontological resources would be similar to or less than those anticipated for the proposed project.

Facts in Support of Findings: Although the Reduced Project Alternative would be consistent with the planning and architectural theme envisioned for the site, would allow for the removal of temporary buildings, and would substantially avoid significant direct traffic impacts of the proposed project, it would not accomplish the basic project objectives of maximizing state of the art scientific research space and providing centralized facilities for the Institute. Further, it would not enhance or expand environmental protection of sensitive resources on site as much as the proposed project. Therefore, the Reduced Project Alternative is rejected.

6. East Parking Lot Impact Avoidance Alternative

The East Parking Lot Impact Avoidance Alternative would involve constructing similar uses as the proposed project, but scaled back to eliminate significant impacts to historical resources that would occur if the proposed Torrey East scientific research (laboratory)/reception building and the underground parking structure beneath the Torrey East Building are built. Rather than construct the proposed Torrey East Building and two-level underground parking garage on the site of the existing east parking lot, the existing surface parking lot and landscaping (and associated historical resources) would be left intact, the existing utilities near that corner of the site would be preserved in place under this alternative, and the sewer and water connections proposed to serve the Torrey East Building would not be constructed. Other than these identified changes, this alternative would construct the daycare facility and housing that were eliminated from the proposed project. Adoption of this alternative would eliminate 94,300 sf of scientific research space from the site.

Adoption of the East Parking Lot Impact Avoidance Alternative would require City of San Diego approval of amendments to existing permits, a Master Planned Development Permit, a Site Development Permit/Coastal Development Permit and Vesting Tentative Map. The project applicant would also be required to obtain approval of an MHPA boundary adjustment. Avoidance of impacts to historic

landscaping and spatial associations would result in this alternative being consistent with the Secretary of Interior's Standards for Rehabilitation of Historic Properties.

Potential Impacts: The East Parking Lot Impact Avoidance Alternative would allow the Institute to avoid disturbing known historical resources (i.e., landscaping and spatial relationships) in the east parking lot; thus impacts to historical resources would be less than the proposed project. Potentially significant impacts to known historic and unknown (buried) prehistoric archaeological resources would remain, however, as such resources could occur on the other portions of the campus slated for development (i.e., the north and south mesa). The reduction in development under this alternative would only occur in the developed portion of the campus; as such, impacts to biological resources would be greater than the proposed project because more habitat would be impacted on the south mesa than under the proposed project. The potential for impacts to raptors would be lower under this alternative, however, due to the removal of fewer trees than under the proposed project. Potentially significant indirect impacts to habitat and species in the MHPA would be slightly greater than that of the proposed project due to construction on the south mesa. Impacts to archaeological resources, air quality, noise, hydrology/water quality, geology and paleontological resources would be similar to or less than those anticipated for the proposed project.

This alternative would generate less ADT than the proposed project, with a concurrent reduction in peak hour trips. This trip reduction would reduce impacts to the I-5/Genesee Avenue interchanges (intersections and ramps) during Build out conditions, but direct project and cumulative impacts would remain significant and unmitigable since delay changes associated with this alternative would be greater than 2.0 seconds, the City's significance threshold for intersections. The demand for on-site parking would also be reduced by this alternative due to the elimination of the Torrey East Building. A portion of the remaining parking demand would be accommodated on site through construction of an underground parking garage adjacent to the proposed Salk Community Center Building. However, the second proposed parking garage, a 480-space, two-level underground garage planned for the location beneath the existing east parking lot, would be eliminated under this alternative. While the existing surface east parking lot would remain in use on site, without the addition of the 480-space Torrey East Building parking garage, the surface lot and proposed northern parking garage would not satisfy the parking requirements for this alternative and a new significant impact to parking supply would occur that would not be expected for the proposed project. Impacts to beach or campus parking could arise due to the parking shortfall for this alternative, as the Institute would need to use street parking to compensate for the shortfall.

Facts in Support of Findings: The East Parking Lot Impact Avoidance Alternative would be consistent with the scope, planning and architectural theme envisioned for the site but would not accomplish the basic objectives of the proposed project including developing new scientific research space, providing centralized facilities for the Institute, providing centralized facilities, satisfying the parking needs of the site, and allowing for the removal of all temporary buildings on the property. Eliminating the scientific research space inside the proposed Torrey East Building would substantially reduce the Institute's ability to attract talented researchers and research funding. Finally, due to the fact that scientific research space and parking associated with the Torrey East Building would not be constructed under the East Parking Lot Impact Avoidance Alternative, this alternative would not allow the campus to fully realize its expansion goals and it would not provide sufficient parking to service the remaining planned development on campus. Therefore, the East Parking Lot Impact Avoidance Alternative is rejected.

7. Alternative Considered but Rejected by the EIR: Alternative Location

In accordance with Guidelines §15126.6(a), off-site alternatives were considered. Off-site alternatives should be considered only if development of another site is feasible and would reduce or avoid the significant impacts of the proposed project, as stated in §15126.6(f)(2). Factors that need to be considered when addressing the feasibility of an off-site alternative include the ability of the location to meet the basic objectives of the project; the size of the site; its location; jurisdictional boundaries; ownership of the site; consistency with the General Plan (or other applicable planning document), including land use designation; and availability of infrastructure. Development of laboratory space, support uses and additional parking facilities at an off-site location that is approximately 11 acres in size would not be a reasonable alternative to the proposed project because it would not achieve most of the basic project objectives, many of which require new facilities to be located on site. Specifically, an alternative location would not allow the new facilities to be immediately accessible from the existing buildings, thus preventing opportunities for scientific collaboration and causing decreased efficiency for Institute researchers, and would not satisfy the space needs of the existing facility.

An alternative location would require the Institute (a non-profit organization) to acquire new land or lease more off-campus space at current market rates—space which would not likely be located in the vicinity of the existing Salk and UCSD campuses due to real estate values in the area. The non-profit Institute does not own any other land in the project area and would not have the capital to purchase property elsewhere at current market rates. Although vacancy rates for research space in the area are currently somewhat higher than in the recent past, this situation is unlikely to continue in the long-term given the desirability of the area by research entities (e.g., proximity to UCSD researchers). In addition, the collaborative nature of the Institute's work is enhanced by its proximity to UCSD, and the work of Institute researchers would be compromised and less efficient if they were located at several different locations.

The *University Community Plan* designates several properties in the project area for scientific research use, although all parcels of sufficient size to accommodate the Institute's proposed uses have already been developed by other entities. In addition, any sites that may be available in the vicinity of the original laboratory building would present similar challenges and environmental constraints, and would not prove environmentally superior. For these reasons, an Alternative Location is rejected as infeasible in the Final EIR.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS (PUBLIC RESOURCES CODE §21081(b) AND GUIDELINES § 15093)

Public Resources Code §21081(b) and Guidelines § 15093 prohibit approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. The Salk Institute Master Plan project could have significant, unmitigable, adverse impacts to the freeway intersection at I-5/Genesee Avenue, as described above. However, the City Council finds that those impacts are outweighed by the following specific overriding economic, legal, social, technological, or other benefits of the project.

The City Council, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits of the project outweigh the aforesaid significant, unmitigable traffic effects on the environment. The City Council expressly finds that the following benefits would be sufficient to reach this conclusion:

1. Expansion of the world-renowned Salk Institute for Biological Studies in accordance with the Master Plan will provide significant "employment opportunities for highly-trained workers" as contemplated by § 15091(a)(3) of the State CEQA Guidelines. The project will create approximately 165 new long-term employment positions for the local job market, in addition to the approximately 870 existing research staff and 230 administrative personnel that already are employed by the Salk Institute. The new employment opportunities would be available for highly trained scientists and other research staff, some of whom could join the ranks of the five Salk Institute-trained Nobel Prize winners, or the four Nobel Laureates currently in residence as Salk faculty, as well as for administrative and support staff.
2. The project will help the Salk Institute continue to attract high-caliber faculty and staff, thus retaining its position as one of the four major biological academic institutions in San Diego, alongside UCSD, Scripps Research Institute and Burnham Institute. (The project is especially critical in the wake of decisions by some of these three premier life science institutions to move their expansions from the Torrey Pines Mesa to other regions outside the City of San Diego, due to the City's limited supply of economically available land.)
3. Expansion of the world-renowned Salk Institute for Biological Studies in accordance with the Master Plan will also help San Diego maintain its position as the third largest life-science hub in the world, behind only Boston and the San Francisco Bay area, and to enhance its place in the world's life science community in general.
4. The project will contribute to and enhance the Salk Institute's economic impact on San Diego's regional economy, an impact that currently comprises over \$300 million in direct, indirect and induced annual output, according to the San Diego Association of Governments ("SANDAG"). SANDAG studies conducted in 2005 showed the Salk Institute to generate approximately \$200 million in economic output (including \$112 million of direct economic output from Salk's operations and an additional \$85 million of direct and induced economic output in the region), with an additional \$110 million in other regional economic impacts from tax revenue generated, wages and salaries created at Salk and elsewhere, and capital expenditures. Such strong economic output, which is expected to grow significantly in connection with the expansion of the existing facility, renders the Salk Institute and its \$100 million-plus annual operating budget an increasingly strong catalyst for San Diego's thriving life science and biotechnology industry.
5. The project will enable a growing number of Salk researchers to continue in Jonas Salk's footsteps by expanding their aggressive quests to treat and cure a range of debilitating diseases and human conditions. For instance, the Institute's Cancer Center is one of only eight National Cancer Institute-designated basic research centers in the United States, and it comprises approximately half of the research at the Salk Institute. Work done in the other Salk laboratories includes investigations into possible therapies and treatments for autism, Alzheimer's and

aging, birth defects, diabetes, gene therapy, HIV/AIDS, plant biology, vision, and Williams Syndrome. All of this work will be significantly advanced by the proposed project, to the substantial benefit of the San Diego region and of humankind in general.

6. Recently, a \$2.3 million-share of a grant for stem cell research facilities was awarded to the Salk Institute. This significant grant award will support the development of shared laboratory space (i.e., the proposed north lawn core facility), as well as provide funding for equipment and operating expenses. As there is currently a very limited amount of space left within the existing scientific research buildings on the campus, however, the Institute will not be able to apply for further grants to construct new stem cell (or other research) facilities if the project is not approved.
7. The project will allow the Institute to continue and expand its community outreach programs that fulfill Jonas Salk's vision of providing opportunities for local middle school, high school and college students to experience life in a scientific laboratory, and explore the possibility of a career in science. These programs include the Institute's joint graduate program with UCSD, Salk Mobile Science Laboratory, High School Science Day and the 8-week Summer Program. These programs also provide teachers the opportunity to bring back research projects to their classrooms for even broader student exposure.
8. The project will benefit the local biological and coastal communities by enhancing the vernal pools on site through the removal of exotic vegetation, installation of a vegetated swale to treat runoff entering the pools, more than doubling the size of the current buffer between development on the Salk campus and the nearest vernal pool, adding interpretive signage adjacent to the vernal pool and monitoring the vernal pools under a Habitat Management Plan (HMP). An addition of approximately 1.3 acres to the City's MHPA will occur as a result of the project, resulting in a net increase in protected acreage within the sensitive coastal habitats on site. The project's Exotic Vegetation Removal Plan (EVRP) will be implemented to eradicate four aggressive, highly invasive species occurring on site that currently encroach into the existing MHPA. The HMP prepared for the project includes an endowment for long-term maintenance and will pick up where the EVRP leaves off to ensure invasive species and trash are permanently kept out of the MHPA on site. The project will improve the quality of water leaving the site through the elimination of most of its existing surface parking areas, treatment and filtration of all runoff prior to its exiting the site (no such filtration currently exists), and maintain the existing storm water flows even at post-development through new infiltration opportunities and additional energy dissipating devices.
9. The project's site design incorporates outdoor spaces and allows users to take in views of natural coastal scenery and architectural mastery of the historic laboratory building. The project will encourage the continued use of the Salk campus as an educational resource and confirm its role as a source of public pride, renowned architectural landmark, and inspiring work and study environment.

10. The proximity of the campus to UCSD with which it shares facilities and has joint research programs, combined with opportunities for collaboration with the nearby Scripps and Burnham institutes and other links to the San Diego biotechnology community, are already significant draw factors for prospective scientific faculty. The project will provide the Institute a needed competitive edge in its ongoing drive to attract and retain the world's most sought-after life scientists.
11. The Salk Institute will continue to implement a Transportation Demand Management (TDM) Plan, which provides shuttle service for employees between its facility and regional transit centers, free bikes between the Salk and UCSD campuses, subsidized public transportation and information on public transit options in and around the project site. The project will contribute approximately \$2 million (based on fiscal year 2007 Facilities Benefit Assessment [FBA] rates which will escalate over the build out of the project) to the University Community's FBA over the build out of the Master Plan to fund regional and local transportation improvements and other community amenities.
12. The project design respects the historical integrity and sensitivity of the existing architecture and site layout, not only through the physical preservation of the existing original laboratory buildings and construction of new facilities that are compatible with and sensitive to the design of the original buildings, but also through the implementation of an overall development plan that is generally in accordance with the tri-partite design scheme developed as architect Louis Kahn's vision for the Institute property in the early 1960s.
13. The project will promote the City's efforts to encourage sustainable development and reduce greenhouse gas emissions by implementing sustainability goals related to habitat, water quality and light/energy usage. The sustainability measures incorporated into the design include incorporation of outdoor garden terraces and green roofs to minimize impervious surfaces on site; the use of non-invasive plants and seed mixes in the project landscaping and preservation of some existing vegetation to reduce irrigation needs; erosion potential and pesticide usage on site; the use of numerous light wells to deliver natural light to lower levels of structures; the integration of operable windows into buildings to provide natural light and ventilation to interior spaces and the use of insulated glass to reduce heating of interior spaces. In addition, all outdoor lighting will comply with California's Title 24 Energy Efficiency Standards and a reduction in outdoor light pollution would occur through the removal of existing overhead light standards and shielding of new lighting from the sky and adjacent MHPA.
16. The project design and components will be in conformance with the applicable goals and policies of the City's *Progress Guide and General Plan*, *University Community Plan* and the *North City Local Coastal Program/ Land Use Plan*, and will comply with the development intensity planned for the project site in the *University Community Plan*. The project also will be consistent with other applicable land use plans, including the MSCP, and SDMC zoning and

regulations pertaining to Environmentally Sensitive Lands ("ESL") and protection of visual resources within the Coastal Overlay Zone.

17. With an estimated total construction cost of \$250 - \$275 million (in year 2008 dollars), the project—as it builds out—will benefit the local economy and individuals employed in construction and related industries, through the provision of increased employment opportunities in the City.
18. The project will pay the mandatory school impact fees to the local school district (i.e., San Diego Unified School District), although it would not directly generate students. The project will, however, indirectly generate students through the creation of new permanent employment positions at the Institute, which could result in a minimal number of school age children of new employees being brought into the school district.
19. The project will increase the tax base in the City through the provision of approximately 165 new permanent employment opportunities for highly trained workers, administrative and support staff at the Salk Institute.

VIII. CONCLUSION

For the foregoing reasons, the City of San Diego concludes that the proposed Salk Institute Master Plan project will result in numerous public benefits beyond those required to mitigate project impacts, each of which individually is sufficient to outweigh the unavoidable environmental impacts of the proposed project. Therefore, the City of San Diego has adopted this Statement of Overriding Considerations.

IX. ADMINISTRATIVE RECORD

Various documents and other materials constitute the record of proceedings upon which the City bases its Findings and decisions contained herein. Most documents related to the EIR are located in the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101-4154. The custodian for the record of the proceedings is the City Development Services Center.



ENTITLEMENTS DIVISION
(619) 446-5460

ENVIRONMENTAL IMPACT REPORT

Project No. 44675

SCH No. 2004111049

SUBJECT: SALK INSTITUTE MASTER PLAN: AMENDMENT TO CONDITIONAL USE PERMIT (CUP) NO. 3841, AMENDMENT TO COASTAL DEVELOPMENT PERMIT (CDP)/HILLSIDE REVIEW PERMIT (HRP)/CUP NO. 90-1140, MASTER PLANNED DEVELOPMENT PERMIT (PDP), CDP, SITE DEVELOPMENT PERMIT (SDP), VESTING TENTATIVE MAP (VTM), MHPA BOUNDARY LINE ADJUSTMENT AND EASEMENT VACATION to permit construction of new scientific research facilities and accessory uses on the existing Salk Institute campus. The proposed project is located within the Coastal Zone portion of the University Community Planning Area.

Applicant: Salk Institute for Biological Studies.

This document has been completed by the City of San Diego's Environmental Analysis Section under the direction of the Director of Development Services Department and is based on independent analysis and determinations made pursuant to the San Diego Municipal Code Section 128.0103(a) and (b).

JUNE 2008 UPDATE: Revisions to this document have been made when compared to the Draft Environmental Impact Report (EIR). The modifications within the environmental document do affect the environmental analysis and conclusions of the EIR. All revisions are shown in a strikethrough and/or underline format.

CONCLUSIONS:

This EIR analyzes the environmental impacts that would result from the proposed project. The analysis discusses the project's impacts to land use, visual quality/neighborhood character, biological resources, historic resources, traffic/circulation, air quality, noise, hydrology/water quality, geology and paleontology.

The proposed project is a Process 5 City Council decision to permit construction of new scientific research facilities and accessory uses on the existing Salk Institute campus. The project site is designated for Scientific Research use in the University Community Plan and Industrial use in the North City Local Coastal Program and Land Use Plan.

The Salk Institute was originally constructed in the City of San Diego in the early- to mid-1960s, opened in 1965, and has undergone previous expansions in 1991 and 1995. Currently, approximately 18.4 acres of the project site are developed with approximately 289,800 square feet (sf) of scientific research and support facilities. Since the Salk Institute was founded, there have been changes in the scientific research field, including the introduction of new technologies, the shifting demographics of the scientists themselves toward a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies.

In response to certain economic and environmental constraints, and as further explained in the Preface to this Final EIR, the applicant has decided to eliminate the employee daycare facility and temporary housing quarters from the proposed Salk Institute Master Plan. Although the daycare and housing uses are no longer a part of the proposed project (now referred to as the Refined Project Design), the environmental analyses of these components remain for informational purposes since their removal from the project has little bearing on significance conclusions reached in the EIR. The exception is biological resources where impacts are improved.

The proposed project would be implemented in phases, over a period of several decades, and includes expansion of the existing scientific research space on site through the construction of 186,200 sf of new facilities and redevelopment of 29,000 sf of temporary facilities including additional scientific research building(s); construction of the Salk Community Center Building containing administrative and support space, dining facilities, and an auditorium, to serve the Salk Institute community; construction of an underground core facility, equipment shops and mechanical room to house research space and shared equipment space; and development of three new research greenhouses to replace existing ones on site. The proposed project would provide on-site parking through the construction of two new underground parking garages near the locations of existing on-site surface lots.

Approximately 9.0 acres of the 26.3-acre site would be graded, of which 9.2 acres are currently developed and would be redeveloped by the proposed project. The proposed project would require approximately 20,000 cubic yards (cy) of cut, 2,300 cy of fill and 200,000 cubic yards of excavation for a total export of 217,700 cy. Slopes would be constructed at a gradient of 2:1, resulting in a maximum manufactured slope height of eight feet.

The evaluation of environmental issue areas in this EIR concludes that the proposed project would result in significant and unmitigable direct and cumulative impacts to **traffic/circulation** and significant but mitigable direct and indirect impacts to **biological resources, historic resources, noise and paleontological resources.**

SIGNIFICANT UNMITIGATED IMPACTS:

Traffic/Circulation (Direct and Cumulative)

The proposed project would result in significant and unmitigable direct and cumulative traffic/circulation impacts for causing unacceptable delay at the intersection of Genesee Avenue/Interstate 5 interchange, which is projected to operate at levels of service (LOS) E and F without the proposed project during the Buildout Condition (Year 2030). The increased delay would exacerbate an already unacceptable condition predicted at that location.

RECOMMENDED MITIGATION FOR SIGNIFICANT UNMITIGATED IMPACTS:

Traffic/Circulation

Intersection improvements are planned for the Genesee Avenue/I-5 interchange to improve LOS and decrease delays during Buildout (Year 2030). Payment of fair-share fees by the project applicant (totaling \$353,000 at project buildout) would contribute funding toward those improvements. The project applicant's participation in a Transportation Demand Management (TDM) program would further lessen the project's impact. The interchange improvements are not assured in terms of timing and funding; however, even when planned improvements are constructed, direct and cumulative impacts would remain significant and unmitigated.

MITIGATION, MONITORING, AND REPORTING PROGRAM
INCORPORATED INTO THE PROJECT (See attached Final EIR for a detailed description of mitigation measures that have been incorporated into the project):

Biological Resources

The proposed project would result in impacts to 0.08 acre of sensitive upland habitats which include maritime succulent scrub and Diegan coastal sage scrub. Based on the City's significance guidelines, these direct impacts to native habitat are not considered significant because they total less than 0.1 acre. No mitigation is required.

Potential direct impacts to nesting raptors would be mitigated by restricting eucalyptus tree removal to outside the breeding season and conducting a pre-construction survey for occupied nests prior to construction.

Potential indirect impacts to sensitive species (coastal California gnatcatcher) would be mitigated by prohibiting construction within 500 feet of the MHPA during the breeding season (March 1 through August 15). Construction during the breeding season would require fencing of restricted areas by a biologist, pre-construction surveys and an analysis of noise which demonstrates that construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat. Noise barriers may be employed by the project applicant to ensure that noise levels would not exceed 60 dB(A) hourly average during the breeding season.

Potential indirect impacts from the introduction of invasive species would be mitigated by reviewing final landscape plans for project features proposed adjacent to the MHPA. Accidental intrusions into sensitive habitat during grading/land development would be mitigated by flagging sensitive areas, fencing the limits of grading and conducting biological field monitoring during project construction.

Impacts to biological resources would be reduced to a level below significant upon implementation of the above mitigation measures.

Historical Resources

The Salk Institute property has been deemed eligible for listing on the National Register of Historic Places and is listed on the California Register of Historic Resources. A portion of the site is on the San Diego Historic Resources Register. Construction of the proposed project would not comply with two of the nine Secretary of the Interior's Rehabilitation Standards and Guidelines and Cultural Landscape Rehabilitation Guidelines due to the removal of historic landscape features and impacts to spatial relationships of the historic resources. Mitigation measures, including removal and replanting of the historic trees and restoration of the historic landscape consistent with the 1965 Landscape Plan and integration of a transparent atrium into the final design for the Torrey East Building, would reduce potential impacts to known historic resources to a level below significant.

The records search and field reconnaissance surveys identified no other significant historical or pre-historic resources within the project area. However, because there is the possibility for unknown buried historic resources and pre-historic (Native American) resources, there is a potential for significant impacts. Mitigation measures including archaeological monitoring during construction would reduce potential impacts to historical resources to a level below significant.

Noise

Impacts from equipment noise could occur during project construction due to the proximity of proposed development to the southern property boundary where off-site residences occur. The impacts would be direct and short-term, as noise would only occur during project construction. Mitigation measures, including preparation of a construction

noise control plan and/or the use of temporary barriers, would reduce potential noise impacts to a level below significant.

Paleontological Resources

Impacts to fossils could occur during earthwork activities, such as excavation for foundations and underground parking garages. The impacts would be direct and short-term, as potential for damage to paleontological resources would only occur during project construction. Mitigation measures, including the requirement for paleontological monitoring during construction, would reduce potential impacts to paleontological resources to a level below significant.

NO MITIGATION REQUIRED:

After analysis, impacts in the following issue areas were found to be not significant under CEQA for the proposed project: **biological resources (direct habitat removal), land use, visual quality/neighborhood character, air quality, hydrology/water quality and geology.**

ALTERNATIVES:

The following alternatives were considered for detailed discussion in the EIR. As noted above, the applicant has chosen to modify the proposed project to eliminate the daycare facility and housing quarters, which were both considered ancillary uses to the overall scientific research use. These alternatives to the originally proposed project (i.e., Draft EIR Project) are still appropriate under CEQA, despite changes to the proposed project (i.e., Refined Project Design), because they represent the range and configuration of uses that could be considered ancillary to the scientific research mission for the Institute. In addition, some of the alternatives are comparable in configuration to the Refined Project Design (i.e., no development on the south mesa). A comparative analysis of these alternatives with the Refined Project Design is provided in the Preface to the Final EIR and summarized herein.

No Project Alternative

The No Project Alternative assumes that the Salk Institute Master Plan would not be adopted, the existing permits would not be amended, no expansion of the scientific research space would be implemented, no new parking facilities would be built and no support facilities, such as dining facilities, administrative support uses, temporary residential quarters and a daycare facility, would be developed on site. The No Project Alternative would avoid significant project-related impacts to biological resources, historical resources, transportation/circulation, noise (construction-related), and paleontological resources. Although the No Project Alternative would eliminate direct impacts to traffic/circulation, existing traffic generated by the Salk Institute would contribute to cumulative impacts at the Genesee Avenue/I-5 interchange at Buildout

(Year 2030). The No Project Alternative would not achieve any of the basic project objectives.

Alternative Salk Community Center Building Layout

The Alternative Salk Community Center Building Layout would implement the Salk Community Center Building in four separate sections, with two pairs of two internally connected buildings constructed in a northwest- to southeast-oriented row atop an underground parking garage covering most of the north mesa and paralleling Torrey Pines Scenic Drive. The Alternative Salk Community Center Building Layout would also feature a smaller Torrey East Building that would be constructed as two wings separated by an internal courtyard open on the east and west elevations; a slightly larger and more easterly located daycare facility; and a slightly more easterly located housing quarters, with a north-south orientation rather than the proposed east-west orientation. This alternative would limit the Institutes expansion to 471,000 square feet (sf) because it would not take into account the space lost by demolition of existing temporary structures on site (i.e., 29,000 sf).

This alternative would create potentially significant and unmitigable project impacts to visual quality/neighborhood character that would not exist for the proposed project. Direct impacts to biological resources would be slightly less than the proposed project but still significant and mitigable; indirect biological resources impacts would occur at approximately the same levels as the proposed project and be significant and mitigable. Impacts to historical resources, traffic/circulation, air quality, noise, hydrology/water quality, geology and paleontological resources would be similar to those anticipated for the proposed project. Although the Alternative Salk Community Center Building Layout would be consistent with most of the basic objectives of the proposed, it would create a new significant and unmitigable impact to visual quality/neighborhood and would not reduce or avoid significant and unmitigable project and cumulative impacts to traffic/circulation at the I-5/Genesee Avenue interchange. Similar conclusions are reached when comparing this alternative with the Refined Project Design, except that this alternative would cause greater impacts to biological resources than the Refined Project Design.

North Mesa Intensified Development Alternative

Under the North Mesa Intensified Development Alternative, the project applicant would modify the proposed project design and eliminate development on the south mesa by shifting the daycare facility and temporary housing quarters to a location atop the underground parking structure on the north mesa. The south mesa would remain undeveloped under this alternative and the MHPA boundary line adjustment would be much smaller in size and would only involve land on the north mesa. In addition to the safety/security/aesthetics concerns associated with moving the daycare facility and housing on the roof-top of the parking structure, this alternative would eliminate the park-like landscaped open space envisioned for the view corridor on the north mesa. This

alternative location for the housing would be less aesthetically appealing and not be separated from the scientific research uses. This alternative would change project phasing and substantially increase the front-end costs of implementing the daycare facility and housing quarters, possibly making them infeasible to construct prior to the Salk Community Center Building. This alternative would, however, allow the Institute to buildout to the 500,000 sf maximum.

The North Mesa Intensified Development Alternative would not implement the phased, tri-partite design scheme envisioned for the property by Louis Kahn and would result in new and significant unmitigable project impacts to visual quality/neighborhood character related to non-compliance with land use policies and implementing regulations of the SDMC protecting views of the ocean and scenic coastal areas from public roadways. Reductions in project impacts to biological resources would occur; impacts in the areas of land use, traffic/circulation, air quality, hydrology/water quality, geology, noise and paleontology would remain the same as or slightly less than anticipated with the proposed project. Impacts to historical resources caused by changes in spatial relationships would be greater than the proposed project, due to the increased development intensity on the north and east mesas and the resultant lack of a sufficient buffer between the original laboratory buildings and the new development. Impacts to historic and unknown prehistoric archaeological resources with the potential to exist on site would be the same as for the proposed project. The potential for a land use conflict would occur since sensitive land uses would be exposed to indirect or secondary impacts caused by their proximity to the parking garage, public roadway and scientific research facilities. Although the North Mesa Intensified Development Alternative would avoid significant direct impacts to biological resources, it would create new significant and unmitigable visual quality impacts, worsen significant impacts to historic resources, shift construction noise impacts to the north mesa, and would not achieve many of the basic project objectives. Similar conclusions are reached when comparing this alternative to the Refined Project Design.

Neighborhood Proposed Alternative

Under this alternative, the project applicant would construct the alternative design scheme (site plan) requested by the residential neighbors to the south of the project site during the EIR scoping process. This alternative would eliminate development of the south mesa, shift development to the parking lot on the north mesa away from areas visible to the private residences to the south, and avoid perceived effects on land use compatibility and reduce impacts to sensitive habitat. The proposed daycare facility and temporary housing quarters would be shifted to the western end of the north mesa and the proposed Salk Community Center Building would be rearranged with portion of the building eliminated. This alternative would reduce the amount of support uses and increase slightly the amount of scientific research space developed on site, resulting in a net reduction in square footage by approximately 34,000 sf and a maximum buildout of 465,000 sf.

The Neighborhood Proposed Alternative would create a new significant and unmitigable

project impact to visual quality/neighborhood character that would not exist for the proposed project. Direct impacts to biological resources would be less than the proposed project, but still significant. Indirect impacts due to human intrusion and toxins would be worse than the proposed project; indirect effects to breeding gnatcatchers and raptors would be similar. Traffic/circulation impacts would be less than the proposed project, but still significant and unmitigable at the intersections of the I-5/Genesee Avenue interchange. Construction noise impacts on nearby residences would be reduced by this alternative but shifted to the north mesa where the daycare facility and housing quarters would be constructed. Impacts to air quality, hydrology/water quality, geology and paleontology would be similar to or slightly less than those anticipated for the proposed project. Impacts to historic resources would be greater than those of the proposed project due to the intensification of development on the north mesa. Impacts to historic and unknown prehistoric archaeological resources with the potential to exist on site would be slightly less than for the proposed project. The potential for a land use conflict would occur since sensitive land uses would be exposed to indirect or secondary impacts caused by their proximity to the parking garage, public roadway and scientific research facilities. The Neighborhood Proposed Alternative would not be consistent with the scope, planning and architectural theme (i.e., tri-partite scheme) envisioned for the site, would result in an inappropriate siting of land uses, and would not achieve the basic project objectives. Although this alternative would reduce project impacts to biological resources and noise, it would worsen the historical resources impacts of the proposed project, would not eliminate any of the significant and unmitigable impacts identified for the proposed project, and would create new significant and unmitigable impacts to visual quality/neighborhood character. Similar conclusions are reached when comparing this alternative to the Refined Project Design.

Reduced Project Alternative

The Reduced Project Alternative would involve scaling back the proposed project to a development level that would reduce direct project traffic impacts to less than significant levels. The Reduced Project Alternative would restrict the project applicant to constructing up to 40,000 additional sf of new scientific research building(s), resulting in an approximately 200,000-sf less new space on site than the proposed project. The Torrey East Building would be substantially reduced in size, while the temporary housing quarters and Salk Community Center would be eliminated by this alternative. The proposed daycare facility, north lawn core facility, equipment shops and mechanical room and greenhouses could be constructed as proposed since those uses would not generate new off-campus trips. The Reduced Project Alternative would generate approximately 320 average daily trips (ADT), which would reduce peak-hour trips to below significance thresholds for the affected intersection, thus avoiding direct impacts. Adoption of the Reduced Project Alternative would restrict the campus to approximately 300,000 sf total (including existing space). This alternative would allow the Institute to demolish and construct replacement space for the 29,000 sf of existing temporary buildings. This alternative would substantially reduce the parking requirements of the proposed project and would result in the elimination of one of the underground parking garages.

The Reduced Project Alternative would not avoid significant project impacts to historical resources, including known and unknown resources on site. It would allow the Institute the option to avoid disturbing known historical resources in the east parking lot associated with historically significant landscaping and spatial associations. Significant and unmitigable direct traffic impacts at the intersections of the I-5/Genesee Avenue interchange would be avoided; cumulative traffic impacts would still occur during Buildout (Year 2030). Direct impacts to biological resources would be less; however, indirect impacts to habitat and species in the MHPA would remain potentially significant. Impacts to land use, air quality, noise, hydrology/water quality, geology and paleontology would be similar to or less than those anticipated for the proposed project. The Reduced Project Alternative would be consistent with the scope, planning and architectural theme envisioned for the site and would substantially avoid significant and unmitigable direct traffic impacts of the proposed project, but would not accomplish the basic project objectives of allowing the campus to reach its 500,000 sf capacity, implementing the tri-partite scheme, providing centralized facilities for the Institute, and developing temporary housing. Similar conclusions are reached when comparing this alternative with the Refined Project Design, except that this alternative would cause greater impacts to biological resources than the Refined Project Design.

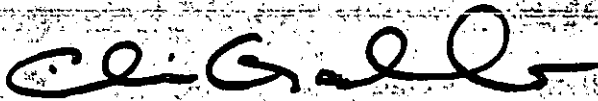
East Parking Lot Impact Avoidance Alternative

The East Parking Lot Impact Avoidance Alternative would involve scaling back the proposed project to a development level that would reduce project impacts to historical resources. The existing east parking lot would not be developed and significant impacts to east mesa historic landscaping and spatial associations would be avoided. The East Parking Lot Impact Avoidance Alternative would eliminate the proposed Torrey East Building and its associated underground parking structure; leave the existing surface east parking lot (and historically significant landscaping) and utilities in the southeast corner of the site in tact; and eliminate the sewer and water connections proposed to serve the Torrey East Building under the proposed project. All other elements of the proposed project would remain the same under this alternative. The East Parking Lot Avoidance Alternative would generate less ADT than the proposed project, with a related reduction in peak hour trips. Adoption of the East Parking Lot Impact Avoidance Alternative would limit the Institute to 144,800 new sf of space, for a total of 405,600 sf (including 260,800 sf of existing space), but would allow the Institute to demolish and construct replacement space for the 29,000 sf of temporary buildings.

The East Parking Lot Impact Avoidance Alternative would avoid significant project impacts to known historical resources. Significant impacts to known historic-era and unknown prehistoric archaeological resources would still occur under this alternative. Traffic/circulation levels would be less than under the proposed project; however, significant and unmitigable direct and cumulative impacts at the intersections of the I-5/Genesee Avenue interchange would still occur. This alternative would reduce the amount of parking needed on campus but would not meet the parking requirements of the project because of the removal of the underground parking structure on the east parking

lot. This parking shortfall would be a new significant impact. Direct impacts to biological resources and potentially significant indirect impacts to habitat and species in the MHPA would be the same. Impacts to land use, visual quality/neighborhood character, air quality, noise, hydrology/water quality, geology and paleontology would be similar to or less than those anticipated for the proposed project.

The East Parking Lot Impact Avoidance Alternative would be consistent with the scope, planning and architectural theme envisioned for the site and would substantially avoid some of the historical resources impacts of the proposed project, but would not accomplish the basic project objectives of allowing the campus to reach its 500,000 sf capacity, providing additional centralized research facilities for the Institute and satisfying the parking needs of the entire facility on site. The amount of new scientific research space allowed by the East Parking Lot Impact Avoidance Alternative would be insufficient for the Institute's expansion goals, would not provide adequate space to house the support needs of the campus, and would substantially reduce the Institute's ability to attract researchers and research funding due to the elimination of the scientific research space inside the proposed Torrey East Building. Similar conclusions are reached when comparing this alternative to the Refined Project Design.



Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

March 22, 2007

Date of Draft Report

June 23, 2008

Analyst: A. Sherwood

Date of Final Report

DISTRIBUTION:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency:

U.S. Government

Department of Transportation (2)
 U.S. Naval Facilities Engineering Command (12)
 MCAS Miramar Air Station (13)
 Department of the Interior, Fish and Wildlife Service (23)
 U.S. Army Corps of Engineers (26)
 U.S. Environmental Protection Agency (19)

State of California

Department of Transportation (Caltrans), District 11 (31)
 Department of Fish & Game (32)
 California Environmental Protection Agency (37)
 Department of Parks & Recreation (40)
 Office of Historic Preservation (41)
 Resources Agency (43)
 Regional Water Quality Control Board, Region 9 (44)
 State Clearinghouse (46)
 California Coastal Commission (47)
 Department of Transportation, Division of Aeronautics (51)
 Native American Heritage Commission (222)

County of San Diego

County Agricultural Department (64)
 County Department of Planning and Land Use (68)
 County Department of Public Works (70)
 County Water Authority (73)
 Hazardous Materials Management Division (75)

City of San Diego

Mayor Sanders
 Councilmember Peters, District 1
 Councilmember Faulconer, District 2
 Development Services Department
 Library Department (81)
 Carmel Valley Branch Library (81F)
 Real Estate Assets Department (85)
 Engineering and Capital Projects Department (86)
 Historical Resources Board (87)
 Wetlands Advisory Board (91A)
 General Services (92)

Other Cities

City of Del Mar (96)

City of Solana Beach (105)

Other Agencies, Organizations and Individuals

Garry Van Gerpen, Salk Institute

Mark Rowson, Latitude 33

SANDAG (108)

San Diego Transit Corporation (112)

San Diego Gas & Electric (114)

Metropolitan Transit Development Board (115)

San Dieguito River Joint Powers Association (116)

UCSD (134)

Environmental Law Society (164)

Sierra Club (165)

San Diego Natural History Museum (213)

San Diego Audubon Society (167)

California Native Plant Society (170)

Stuart Hurlbert (172)

Center for Biological Diversity (176)

Citizens' Coordinate for Century III (179)

Endangered Habitats League (182)

Jerry Schaefer, PhD (209)

South Coastal Information Center (210)

San Diego Historical Society (211)

San Diego Archaeological Society (212)

Save Our Heritage Organisation (214)

Ron Christman (215)

Louie Guassac (215A)

San Diego County Archaeological Society (218)

National Trust for Historical Preservation (219)

Native American Heritage Commission (222)

Kumeyaay Cultural Repatriation Committee (225)

La Jolla Shores Association (272)

La Jolla Town Council (273)

La Jolla Historical Society (274)

La Jolla Community Planning Association (275)

La Jollans for Responsible Planning (282)

La Jolla Library

League of Conservation Voters (322)

Pardee Construction Company (345)

Carmel Valley Community Planning Board (350)

Carmel Mountain Conservancy (184)

San Dieguito Lagoon Committee (409)

San Dieguito Planning Group (412)

Friends of San Dieguito River Valley (419, 421)

000271

San Dieguito River Valley and Conservancy (422)

San Diego Coastkeepers

RVR PARC (423)

Fairbanks Ranch Association (424)

San Dieguito River Park (425A)

Torrey Pines Community Planning Group (469)

Jim Peugh (167A)

University City Library (488)

University Community Planning Group (480)

University City Community Association (486)

Torrey Pines Association (186)

Carmen Lucas (206)

Ian Trowbridge

Courtney Coyle

* Barona Group of Capitan Grande Band of Mission Indians (225A)

* Campo Band of Mission Indians (225B)

* Ewiiapaayp Band of Mission Indians (225C)

* Inaja and Cosmit Band of Mission Indians (225D)

* Jamul Band of Mission Indians (225E)

* La Posta Band of Mission Indians (225F)

* Manzanita Band of Mission Indians (225G)

* Sycuan Band of Mission Indians (225H)

* Viejas Group of Capitan Grande Band of Mission Indians (225I)

* Mesa Grande Band of Mission Indians (225J)

* San Pasqual Band of Mission Indians (225K)

* Santa Ysabel Band of Diegueno Indians (225L)

* La Jolla Band of Mission Indians (225M)

* Pala Band of Mission Indians (225N)

* Pauma Band of Mission Indians (225O)

* Pechanga Band of Mission Indians (225P)

* Los Coyotes Band of Mission Indians (225R)

* Public Notice only.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
 - () Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.
 - (X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.
-

Copies of the EIR, the Mitigation, Monitoring and Reporting Program, and any technical appendices may be reviewed in the office of the Entitlements Division, or purchased for the cost of reproduction.

SALK INSTITUTE MASTER PLAN FINAL EIR
REFINED PROJECT DESIGN
June 2008

PREFACE

Final Environmental Impact Report

This document is a Final Environmental Impact Report (EIR) which provides a review and analysis of the potential environmental impacts that could result from implementation of the proposed Salk Institute Master Plan in the City of San Diego. In accordance with the California Environmental Quality Act (CEQA) of 1970 (California Public Resources Code, Section 21000 et seq.), Guidelines (State CEQA Guidelines) Section 15002, an EIR is the public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental effects. This Final EIR for the proposed Salk Institute Master Plan complies with all criteria, standards and procedures of CEQA, the State CEQA Guidelines (California Code of Regulations, Section 15000 et seq.) and the City's implementing regulations. The EIR itself does not control the way in which a project can be developed or constructed; rather, the governmental agency must respond to the information contained in the EIR by one or more of the seven methods outlined in Section 15002(h) which include:

1. Changing a proposed project;
2. Imposing conditions on the approval of a project;
3. Adopting plans or ordinances to control the broader class of project to avoid the adverse changes;
4. Choosing an alternative to meet the same need;
5. Disapproving the project;
6. Finding that changing or altering the project is not feasible;
7. Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.

Under CEQA, an agency must solicit and respond to comments from the public and from other agencies that has responsibility for carrying out or approving a project or that has jurisdiction over natural resources (i.e., Responsible or Trustee Agencies). The Draft EIR for the proposed Salk Institute Master Plan project (SCH # 2004111049) was submitted by the City of San Diego for public review on March 22, 2007. During the 60-day public review period, 16 letters of comment on the adequacy of the Draft EIR were received by the City of San Diego from Responsible and Trustee

agencies and members of the public. Copies of the letters, along with the City's written responses to each comment, are included in this Final EIR.

Refined Project Design Background

In response to certain economic and environmental constraints that were stated in the public review comments, the Salk Institute (Institute or "applicant") has made minor modifications to the proposed project addressed in the Draft EIR to reduce and avoid possible environmental effects. The applicant, thus, has created a Refined Project Design which is addressed in this Preface to the Final EIR. The Refined Project Design is similar in some respects to the North Mesa Intensified Development Alternative and the Neighborhood Proposed Alternative described in the Draft EIR; however, the refined project has been scaled back to eliminate some of the formerly proposed project components and would result in fewer impacts than either of the named alternatives or the project proposed in the Draft EIR (Draft EIR Project). The refinements to the project address the following issues:

- The benefit to native habitats and sensitive species that would be gained if the south mesa of the campus were preserved as open space has led to the elimination of all development on the south mesa that was described in the Draft EIR (i.e., employee daycare facility and temporary housing quarters), reduction in direct biology impacts to less than significant levels, and, ultimately, the Institute's grant to the City of San Diego, or another mutually agreeable entity, of a conservation easement across the southern portion of the property.
- The long-term economic savings that would be realized if the Institute continues to provide housing opportunities off-campus and begins collaborating with UCSD on an off-campus, joint daycare facility, has further supported the elimination of the south mesa development.
- The need to ensure avoidance of indirect impacts to vernal pools on the north mesa of the Salk Institute campus that could occur as a result of brush management, has prompted a consolidation of the footprint of the Salk Community Center Building that would eliminate the need for brush management in the vernal pool complex.
- The need to offset impacts to habitat in the Multi-Habitat Planning Area (MHPA) and the applicant's desire to protect sensitive native habitat, including vernal pools on the north mesa, has resulted in a boundary line adjustment that would create a 1.27-acre net gain in the MHPA in the Coastal Zone and a 7.1-acre open space easement on the south mesa.
- The need to maximize the utilization of the Salk Institute campus for scientific research and support uses on campus, in accordance with the primary project objectives, has resulted in no reduction in the building areas dedicated to such uses.

A comparison summary of the Refined Project Design with the Draft EIR Project is provided below in Table P-1, *Land Use Comparison: Draft EIR Project and Refined Project Design*.

Table P-1 LAND USE COMPARISON: DRAFT EIR PROJECT AND REFINED PROJECT DESIGN		
LAND USE/PROJECT CHARACTERISTIC	TOTAL BUILDING AREA (SF)	
	DRAFT EIR PROJECT	REFINED PROJECT DESIGN
Scientific Research Building	94,200	94,200
Salk Community Center Building	117,000	117,000
Daycare Facility	12,000	0
Temporary Housing Quarters	12,000	0
Greenhouses	4,000	4,000
Subtotal	239,200	215,200
Existing Buildings (including Temporary Buildings)	289,800	289,800
Demolition of Temporary Buildings	-29,000	-29,000
TOTAL	500,000	476,000 ¹
Undeveloped Land/Open Space	5.5 acres	7.82 acres

¹ Although the Refined Project Design would preclude development on the south mesa, the applicant could decide in the future to pursue entitlements for up to 24,000 additional sf of scientific research space elsewhere on the site in accordance with the development intensity allocated to the property in the *University Community Plan*. Although not contemplated at this time, any future entitlement proposal would be subject to additional CEQA review.

The Refined Project Design is the project that is now being proposed by the applicant for approval by the City decision makers.

Refined Project Design Description

Under the Refined Project Design, the following changes have been made to the application from the project proposed in the Draft EIR Project.

South Mesa

Daycare Facility and Housing Quarters

The Draft EIR analyzed 500,000 sf of development, including a 12,000-square foot (sf) daycare facility and 12,000 sf of temporary housing quarters (12 units) on the south mesa of the Salk Institute campus. Under the Refined Project Design, all development on the south mesa would be eliminated from the Salk Institute Master Plan and the proposed gross floor area would total 476,000 sf (see Figure P-1, *Comparison of Draft EIR Project and Refined Project Design*). As a result, the entire southern mesa would be left in an undeveloped state and placed in a conservation easement. Accordingly, the

Refined Project Design would avoid significant direct project impacts to sensitive biological (upland) habitat, as discussed below under Biological Resources.

Open Space

The Draft EIR Project included the dedication of a portion of the south mesa into the City's MHPA. Under the Refined Project Design, the Institute intends to grant a conservation easement in perpetuity over the south mesa rather than transferring it to the MHPA, once all permits and approvals have been granted that are necessary for buildout of the Salk Institute Master Plan.

Roadway and Landscaping

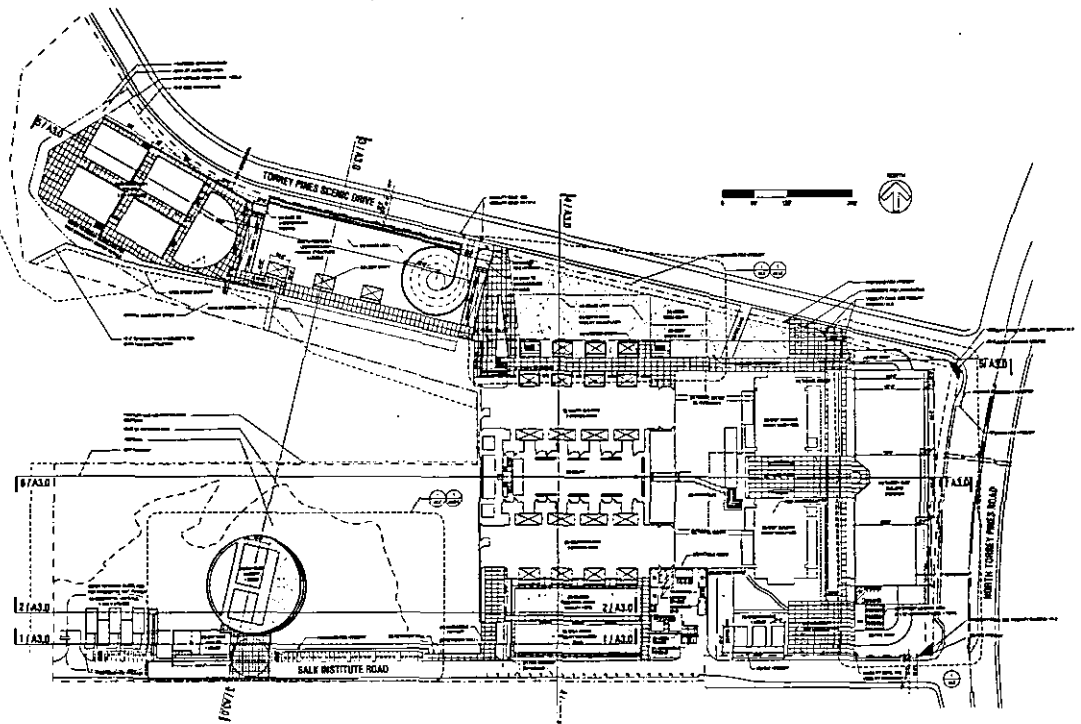
The private driveway extension of Salk Institute Road from its existing western terminus to the daycare and temporary housing facilities has been eliminated from the proposed Master Plan. The landscaping specifically associated with the daycare facility and housing quarters also has been eliminated from the Master Plan; however, restoration of the perimeter landscaping along the southern property line, as required in Section 5.4, *Historical Resources*, of the Draft EIR, still would be implemented under the Refined Project Design (see revised EIR Figure 3-5, *Conceptual Landscape Plan for Refined Project Design*).

North Mesa

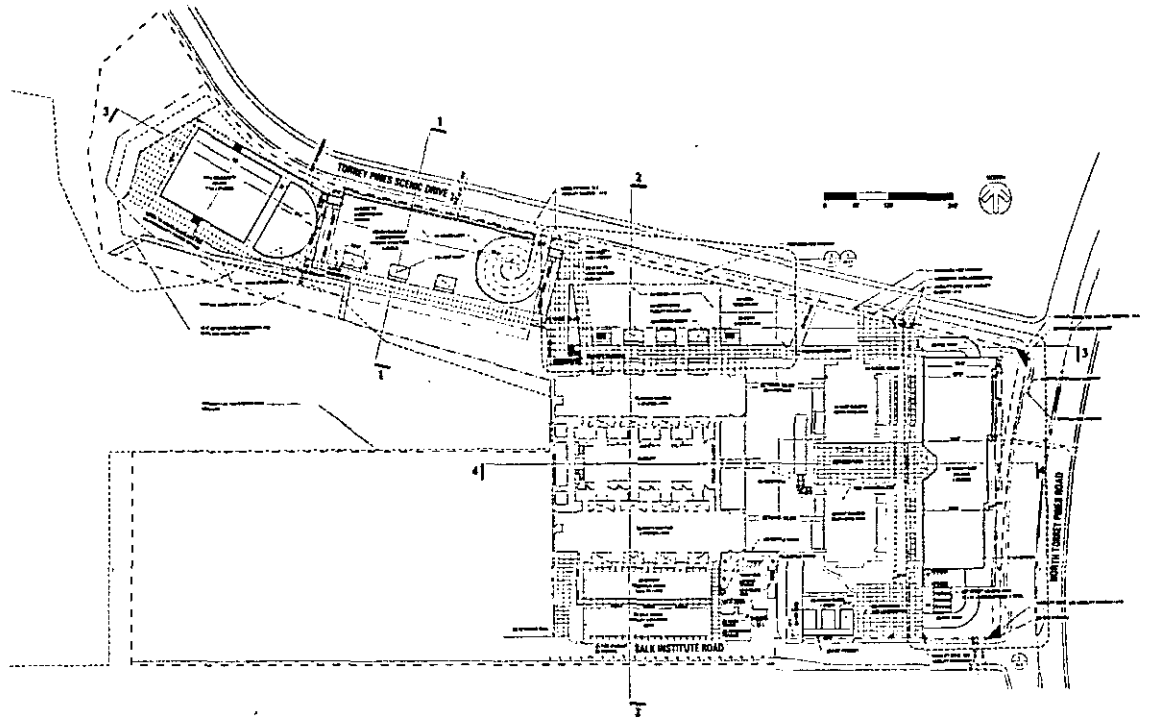
Salk Community Center Building

The Draft EIR Project proposed a 117,000-sf Salk Community Center Building on the north mesa, comprising two, four-story wings; two, three-story wings; and one, two-story auditorium wing within a single building. The Salk Community Center Building has undergone a minor architectural reconfiguration under the project refinement, from a structure with four rectangular wings on the west end attached to a semi-circular auditorium space on the east end, to a two-wing rectangular structure on the west end attached to the same semi-circular auditorium on the east end (see site plan comparison in Figure P-1). Although the location of the eastern auditorium wing would be unchanged under the Refined Project Design, the western end of the building would be shifted away from sensitive vernal pool habitat, and situated slightly east of the location identified in the Draft EIR. This project modification would eliminate the need for brush management in the adjacent vernal pool complex under the existing City regulations; the City could adopt an alternative compliance plan should the proposed brush management regulations become adopted at some point in the future. The Salk Community Center Building square footage and developed area would not change from the Draft EIR Project, and building heights would remain unchanged from or be less than those proposed in the Draft EIR (see revised EIR Figure 5.1-5, *Proposed Height Deviation for Refined Project Design*).

Draft EIR Project



Refined Project Design



Source: NBBJ

L:\a\2004\102 Salk May EIR Fig1_CompactSitePlan.ppt.dwg

Comparison of Draft EIR Project and Refined Project Design

SALK INSTITUTE

Figure P-1

Not affected by the proposed refinement of the Master Plan, the Torrey East Building, north lawn core facility and greenhouses would be constructed as described in the Draft EIR.

MHPA Boundary Line Adjustment

The Draft EIR proposed a MHPA boundary line adjustment to affect both the north and south mesas, which would include a net gain in the MHPA of 3.22 acres. Under the Refined Project Design, the MHPA boundary line adjustment would affect the north mesa only and would comprise a 1.27-acre net gain (see revised EIR Figure 5.3-3, *MHPA Boundary Adjustment for Refined Project Design*). Specifically, the amount of acreage removed from the MHPA would remain at 0.05 acre (similar to the Draft EIR Project) and 1.32 acres would be added to the MHPA under the project refinement, as opposed to 3.27 acres in the Draft EIR. The acreage to be added to the MHPA includes sensitive habitat such as vernal pools, Diegan coastal sage scrub and maritime succulent scrub on the north mesa, and would be effectively identical in configuration to the MHPA preserve proposed for the north mesa in the Draft EIR (see revised Figure 3 in the Final Habitat Management Plan [HMP], contained in EIR Appendix B). The existing pavement area on the north mesa would be removed and a greater portion of it would be recontoured and revegetated with native species, similar to the Draft EIR Project. The applicant would actively manage the on site MHPA, in accordance with the proposed HMP (HELIX 2008b).

City of San Diego Permits

Development of the Refined Project Design would require City approval of all the same permits as the Draft EIR Project.

Parking

Under the Refined Project Design, the two underground parking structures proposed and evaluated in the Draft EIR would be constructed as planned. All parking for the Institute would still occur on site and the 1,064 total new spaces provided under the Refined Project Design would exceed the 1,046 spaces required by the City.

Project Phasing

Elimination of the daycare facility and housing quarters from the Master Plan would not substantively change the possible project phasing outlined in the Draft EIR; those two former project elements would simply be removed from the project phasing order.

Project Objectives

The Refined Project Design would implement the majority of the project objectives identified in Section 3.1 of the EIR, including the applicant's desire to have a project that: 1) would be compatible with City plans and policies, 2) is consistent with the scope, planning and architectural theme established by Louis Kahn and Jonas Salk, 3) allows for the development of new and expanded scientific research facilities, 4) helps the Institute remain competitive with other national research institutes, 5) provides state-of-the-art scientific research space, 6) provides centralized support facilities, 7) creates underground parking, 8) preserves and enhances coastal views, 9) provides landscape and architectural plans and guidelines that create an aesthetic project and 10) allows for the removal of all temporary buildings. The project objectives related to providing a daycare facility and housing quarters have been dropped by the applicant for reasons outlined herein.

The Draft EIR evaluated the tri-partite design scheme envisioned for the property by Institute architect Louis Kahn (a basic objective of the Draft EIR Project), wherein the scientific research space, meeting/dining space and housing needs of the Institute would be met in three distinct geographic locations on the Institute's campus. Although the Refined Project Design would implement a portion of the tri-partite scheme, which is recognized in the design community as an element of the long-term plans of Kahn, economic and environmental constraints on the Salk Institute campus prevent the full implementation of the tri-partite design scheme. Specifically, economic constraints include the high cost of building construction, operation and maintenance as compared to the relatively lower cost of providing employee daycare and housing off site; and environmental constraints include the presence of sensitive habitat. Nonetheless, the majority of the remaining project objectives would be attained by implementation of the Refined Project Design.

Comparison of Refined Project Design and Draft EIR Project

As described in this comparative analysis of potential impacts, the proposed Refined Project Design would result in a project with a smaller development footprint and that would reduce and avoid impacts identified in the Draft EIR. The information within this Preface to the Final EIR also provides the necessary documentation that the Refined Project Design, if approved by the City of San Diego and implemented by the Salk Institute, would not result in any new significant environmental impacts or a substantial increase in the severity of identified potential impacts which would require recirculation of the Draft EIR under Section 15088.5 of the State CEQA Guidelines. Furthermore, the public had a meaningful opportunity to review the Draft EIR which contained, as noted above, alternatives similar to the Refined Project Design; as those alternatives had more potential impacts than the refined project presented herein as discussed below, this Final EIR is consistent with State CEQA Guidelines Section 15088.5.

Minor text changes related to the Refined Project Design have been completed and are to be considered as part of the Final EIR. Specifically, the Refined Project Design has been integrated into the Executive Summary, the Project Description contained in Section 3.0 of the EIR, and the History of Project Changes contained in Section 4.0. In some cases, project impacts are lessened, such as biological resources, and corresponding changes have been made in Section 5.3 of the EIR to indicate these improvements. In all other analyses, the impact conclusions remain the same and have not been modified. Given that the changes made by the Refined Project Design primarily affect only one area of the property, the City believes that revising the Project Description and other EIR Sections in the above manner will provide the greatest degree of clarity and consistency for benefit of those reviewing the Final EIR, in that (i) the description of the project proposed for approval will be consistent between the Preface and the Project Description and (ii) the discussion of impacts throughout the Final EIR will be as accurate as is feasible with respect to the project proposed for approval. The text additions are underlined to distinguish those from original text of the Draft EIR; text that has been deleted is shown in a ~~striketrough~~ format.

As noted above and further examined below, no new significant impacts or increased magnitude of impacts have been identified, and although the modifications within the environmental document affect the environmental analysis conclusions reached in the biological resources section of the report, none of the impact conclusions worsen in the EIR.

Comparative Environmental Analysis

The Refined Project Design would not result in new or greater significant impacts to any issue analyzed in the Draft EIR, and would, in fact, substantially reduce direct project impacts to biological resources (upland habitat) to less than significant levels as discussed below, avoid potential indirect impacts to vernal pools related to brush management, and reduce the duration and magnitude of significant temporary construction noise impacts at the southern property line due to elimination of the daycare and temporary housing facilities. Impacts in the areas of land use, visual quality/neighborhood character, historical resources, air quality, hydrology/water quality, geology, and paleontological resources would remain the same as or slightly less than anticipated with the Draft EIR Project. Each issue addressed in the Draft EIR is discussed below.

Land Use

Adoption of the Refined Project Design would be consistent with the scientific research use envisioned for the property in the *University Community Plan* (Community Plan). The Refined Project Design proposes 476,000 sf of gross floor area, furthering its consistency with the Community Plan which allows for buildout of up to 500,000 sf of gross floor area on the campus in Table 3 of the Development Intensity Element. Table P-1 provides a comparison of the refined project and project

analyzed in the Draft EIR. The Refined Project Design does not introduce any new land uses that were not considered in the Draft EIR.

The refined project also would be consistent with the land use policies within the City of San Diego *Progress Guide and General Plan* (General Plan), *Community Plan* and *North City Local Coastal Program Land Use Plan* (LCP) that were considered in the Draft EIR; no additional analysis is required. A building height deviation would still be required for the Salk Community Center Building with implementation of the Refined Project Design, as it was for the Draft EIR Project (refer to the SDMC discussion in Subsection 5.1.2 within the *Land Use* Section of this Final EIR and see revised EIR Figure 5.1-5, *Proposed Height Deviation for Refined Project Design*).

The Refined Project Design would substantially minimize, but not avoid, encroachment into sensitive biological resources. Most of the grading and development would occur on previously developed portions of the site, specifically the north and east parking lots and north lawn (see revised EIR Figure 5.3-1, *Vegetation and Sensitive Resources/Impacts for Refined Project Design*). In terms of consistency with the policies of the MSCP, the majority of the direct impacts to habitat would occur outside the MHPA and would be less than significant. A MHPA boundary line adjustment is proposed to offset the minor amount of habitat removal proposed within the existing MHPA. The 0.05 acre habitat removal is the same as was proposed with the Draft EIR Project. Inconsistencies with the MSCP Subarea Plan Land Use Adjacency Guidelines would still be expected because of the proximity of the MHPA to proposed development (as described below under Biological Resources and in Section 5.3, *Biological Resources*, of this Final EIR). Similar to the Draft EIR Project, the Refined Project Design would comply with the MCAS Miramar Airport Land Use Compatibility Plan regarding both noise and safety.

No new significant or more severe land use impacts would result from implementation of the Refined Project Design.

Visual Quality/Neighborhood Character

Similar to the Draft EIR Project, the Refined Project Design would modify the existing character of the site by constructing new buildings on the northern and eastern portions of the property. The degree to which views may be blocked along Torrey Pines Scenic Drive by the Refined Project Design would be similar to the Draft EIR Project, which would preserve views of the ocean and scenic coastal areas from the road through the implementation of a park-like, landscaped view corridor on the north mesa, as described in the Public Roads discussion in Subsection 5.2.1 within the *Visual Quality/Neighborhood Character* section of this Final EIR (and shown in Figure 5.2-27). Elimination of all development on the south mesa as proposed in the refined project would not have a beneficial effect on protected views from Torrey Pines Scenic Drive because, as noted in the Draft EIR, short range views of the south mesa and off-site coastal canyons are not available until drivers reach the cul-de-sac

at the entrance to the Torrey Pines Gliderport parking lot. Views of the development from trails west of the site would benefit from the removal of development from the southern mesa. Development on the south mesa, as described in the Draft EIR, generally would not have been visible from the Salk Institute courtyard (refer to EIR Figures 5.2-23a and 5.2-23b). Therefore, implementation of the Refined Project Design with its undeveloped south mesa would not benefit views from the Salk Institute courtyard. Also similar to the Draft EIR Project (as described and illustrated in Section 5.2 of this Final EIR), the Refined Project Design would not block the west-facing views of the ocean and scenic coastal areas from any of the public vantage points west of the project site, including a designated view corridor in the *La Jolla Community Plan*.

No new visual quality/neighborhood character issues would arise with the refinement, and no significant or more severe impacts to visual quality/neighborhood character would result from implementation of the Refined Project Design.

Biological Resources

Sensitive biological resources on the south mesa would remain undeveloped and be placed in a conservation easement under the Refined Project Design. This project refinement would decrease grading/brush management impacts of Draft EIR Project by over 2.3 acres and increase on-site preservation of sensitive habitat by approximately 1.8 acres. A minor amount of grading and Zone 1 brush management would still occur on the north mesa associated with the Salk Community Center Building and underground parking structure similar to the Draft EIR Project. Direct impacts to sensitive biological resources (upland habitats), including maritime succulent scrub (Tier I) and Diegan coastal sage scrub (including disturbed; Tier II), would be reduced to less than 0.1 acre (i.e., below the City significance thresholds); thus, significant direct impacts to sensitive upland habitat would be completely avoided by the Refined Project Design. Impacts to southern mixed chaparral described for the Draft EIR Project also would be avoided, and impacts to a portion of the coastal California gnatcatcher territory outside the MHPA would be substantially reduced by the Refined Project Design. Table P-2, *Comparison of Project Impacts: Draft EIR Project and Reduced Project Design*, shows the reduction in habitat impacts that would occur under the Refined Project Design. Potentially significant impacts to raptor habitat caused by the proposed removal of eucalyptus trees in the developed portion of the site would be similar to those described for the Draft EIR Project. With the exception of the above-described changes surrounding the Salk Community Center Building, and the south mesa (no development), development on the rest of the campus would remain the same as identified in the Draft EIR.

Due to the elimination of development on the south mesa, potentially significant indirect effects on habitat from grading/development and invasive species intrusion and on sensitive wildlife in the MHPA from construction noise associated with implementation of the Refined Project Design would be less than those expected for the Draft EIR Project, but still potentially significant. The buffer

between sensitive habitat, in particular vernal pools, and proposed development, would increase from 30 to 40 feet along the western end of the north mesa due to the reconfiguration of the Salk Community Center Building. This increased buffer would benefit edge conditions.

Table P-2
COMPARISON OF PROJECT IMPACTS:
DRAFT EIR PROJECT AND REFINED PROJECT DESIGN

VEGETATION COMMUNITIES/ HABITAT	MSCP TIER	IMPACTS (acre[s])*	
		DRAFT EIR PROJECT	REFINED PROJECT DESIGN
Maritime succulent scrub	I	0.04**	0.03
Diegan coastal sage scrub	II	0.87	0.01
Diegan coastal sage scrub – disturbed	II	0.67	0.04
Southern mixed chaparral	IIIA	0.25	--
Disturbed habitat	IV	0.17	0.17
Ornamental	IV	0.09	0.09
Developed	--	9.25	8.64
TOTAL		11.34	8.98

Source: HELIX 2008a

*Impact numbers include Brush Management Zone 1 impact acreages. Given that Brush Management Zone 2 is considered impact neutral, impact numbers are not quantified.

**Impacts to 0.03 acre of maritime succulent scrub include less than 0.01 acre (i.e., 100 sf) within the on-site existing open space easement.

As noted above, a MHPA boundary line adjustment is proposed as part of the Salk Institute Master Plan. The amount (0.05 acre) and types (maritime succulent scrub, disturbed habitat and developed land) of habitat removed from the MHPA under the Refined Project Design would be the same as the Draft EIR Project; however, the amount of habitat added to the MHPA would be approximately 1.32 acres, compared to the 3.27 acres proposed in the Draft EIR. The decrease in MHPA dedication associated with the Refined Project Design is directly related to the decrease in impacts to habitat. This boundary line adjustment would result in a net gain of 1.27 acres, including vernal pools, Diegan coastal sage scrub, maritime succulent scrub and disturbed habitat, in the MHPA (see revised EIR Figure 5.3-3, *MHPA Boundary Adjustment for the Refined Project Design*).

As illustrated in Figure 5.3-3, the overall configuration of the proposed MHPA boundary adjustment also would be different under the Refined Project Design, since it would not involve land on the south mesa due to the elimination of development on the south mesa and corresponding elimination of compensatory habitat mitigation requirements (i.e., impacts to less than 0.1 acre do not require mitigation under the City of San Diego Biological Guidelines). However, the north mesa MHPA

configuration would be identical to what was proposed for the north mesa MHPA area in the Draft EIR. Habitat management, including installation of a barrier along the sidewalk of Torrey Pines Scenic Drive, would be implemented for the MHPA on the northern mesa. As described in the HMP (HELIX 2008b), other types of habitat management also would take place in the MHPA. The proposed MHPA boundary line adjustment would comply with the six factors outlined in the MSCP Subarea Plan (as noted in Section 6.1.6 of the project BTR). No new significant impacts to the MHPA would occur under the Refined Project Design; rather, beneficial acreage would be added to the MHPA.

No new significant or more severe biological resources impacts would occur under the Refined Project Design; the impacts identified in the Draft EIR would be substantially reduced through the elimination of grading and development on part of the site.

Historical Resources

Implementation of the Refined Project Design would result in the same impacts to the historical landscape features in the east parking lot and spatial associations on the north and east mesas, and the same potential impacts to subsurface structural remains of Camp Callan on the north mesa and historic-era and unknown prehistoric archaeological resources potentially buried on site, as the Draft EIR Project (refer to Section 5.4, *Historical Resources*, of this Final EIR). The Refined Project Design would protect the integrity of the historic laboratory building, in accordance with the Secretary of Interior Standards (see Table 5.4-1 in this Final EIR), through observation of the same buffer between new and old structures as observed by the Draft EIR Project. Thus, by eliminating development on the south mesa, the Refined Project Design would reduce project impacts on spatial relationships with the existing historic resources on site, and no new significant impacts to historic resources would occur. Potentially significant impacts to unknown (buried) historic and pre-historic archaeological resources would be slightly less than for the Draft EIR Project, due to the elimination of grading on the south mesa, the Refined Project Design would not result in any new or more severe significant impacts to historic resources.

Traffic/Circulation

Like the Draft EIR Project, the Refined Project Design would add new space to the Salk Institute campus that would generate traffic and increase demand for parking on the campus. As shown in Table P-3, *Comparison of Maximum Future Project Daily Trip Generation*, the Refined Project Design would produce slightly less traffic than the Draft EIR Project due to the reduction in proposed square footage. Even with the reduction in average daily traffic volumes (ADT), however, the refined project would result in the same significant and unmitigable traffic impacts as the Draft EIR Project (refer to Section 5.5, *Traffic/Circulation*, of the Final EIR). Eliminating the daycare facility and housing from the project would reduce daily vehicle trips to/from the Salk Institute campus assumed in the Draft

EIR by approximately 192 ADT, as 96 ADT were conservatively assigned to the temporary housing quarters and the daycare facility, respectively. As a result of leaving the south mesa undeveloped, fewer trips would be generated along Salk Institute Road by the Refined Project Design.

Table P-3
COMPARISON OF MAXIMUM FUTURE PROJECT DAILY TRIP GENERATION:
DRAFT EIR PROJECT AND REFINED PROJECT DESIGN¹
(ASSUMES 100% OF SQUARE FOOTAGE)

Use	Draft EIR Project ²		Refined Project Design ³	
	Size (sf)	ADT	Size (sf)	ADT
Scientific Research	210,200 ⁴	1,682	186,200 ⁴	1,490

Source: USAI 2006

Notes:

¹ Rates as stated in the City of San Diego Trip Generation Manual, May 2003.

² Trip generation volume for the Draft EIR Project assumes all new building square footage would contribute trips, when in reality the daycare facility, greenhouses and dining space and other support uses within the Salk Community Center Building would not generate new trips.

³ Trip generation volume for the Refined Project Design assumes all new building square footage would contribute trips, when in reality the greenhouses and dining space and other support uses within the Salk Community Center Building would not generate new trips.

⁴ Excludes 29,000 s.f. of new building space that would be offset by 29,000 s.f. of demolition.

Although traffic impacts would be reduced by the Refined Project Design, the significant and unmitigable project and cumulative impacts to the I-5/Genesee Avenue interchange that were identified in the Draft EIR would not be avoided, due to the currently degraded condition of the interchange and future predictions that levels of service would continue to be degraded during buildout conditions. See the Buildout (Year 2030) Scenario discussion in Subsection 5.5.2 of the EIR for more information. As the Refined Project Design would build less square footage than the Draft EIR Project, the parking requirements of the refined project are reduced from those stated in the Draft EIR. The total number of proposed parking spaces, therefore, has been adjusted to reflect the reduced parking needs of the Refined Project Design. The project would still provide parking in accordance with the SDMC and in excess of that required by the City.

No new significant or more severe direct or cumulative traffic/circulation impacts would occur with implementation of the Refined Project Design.

Air Quality

No significant air quality impacts would result from the Refined Project Design or the Draft EIR Project as discussed in Section 5.6 of the EIR. Development of the Refined Project Design would produce less air pollutant emissions than the Draft EIR Project since the daycare facility and housing units would not be constructed or occupied. Similar to the Draft EIR Project, pollutant emissions generated by the refined project would not exceed the City's significance thresholds, violate any air

quality standards or contribute substantially to an air quality violation (see Section 5.6, *Air Quality*, of this Final EIR). Finally, implementation of the Refined Project Design would not expose sensitive receptors to substantial pollutant concentrations at intersections nor would significant quantities of hazardous emissions be produced.

As with the Draft EIR Project, less than significant air quality impacts would arise; no new or more severe significant air quality impacts would result from implementation of the Refined Project Design.

Noise

Under the Refined Project Design, elimination of the daycare facility would remove the anticipated noise that would have been generated by the facility's playground featured in the Draft EIR Project. Significant operational noise impacts would be avoided by the Refined Project Design, just as they are avoided by the Draft EIR Project, as neither project would exceed City noise standards. Under the Refined Project Design, traffic noise would be produced at rates lower than those assumed for the Draft EIR Project, thus traffic noise impacts would remain less than significant (refer to the Section 5.7, *Noise*, of the EIR). No new significant traffic or operational noise impacts would occur under the Refined Project Design.

Significant temporary impacts to adjacent residences from construction noise at the daycare and housings sites would be reduced by the Refined Project Design since no new structures would be built near the existing residences along the southern property boundary. The construction-related impacts would, however, not be eliminated completely by the Refined Project Design because construction of the Torrey East Building and greenhouses would still occur and could result in temporary noise impacts on the southerly residential receptors (refer to the Construction Noise discussion in Subsection 5.7.2 of the EIR). Construction-related noise impacts to the daycare and housing caused by the construction of other proposed structures would be avoided by the Refined Project Design. As such, temporary noise impacts would be substantially less in magnitude and duration but would remain significant.

No new significant or more severe noise impacts would occur with implementation of the Refined Project Design.

Hydrology/Water Quality

No significant hydrology/water quality impacts would occur for the Refined Project Design or the Draft EIR Project. The Draft EIR concluded that that project would result in a net decrease of impervious surface area, with a slight net increase in runoff generation within the site (refer to Subsection 5.8.2 within Section 5.8, *Hydrology/Water Quality*, of this Final EIR for further information). The same overall trend would occur under the Refined Project Design, although the 6.4-cubic feet per

second increase in runoff that was calculated to occur at the existing drainage outlet on the south mesa would not occur because the daycare and temporary housing facilities would be eliminated and the south mesa would be left undeveloped. As with the Draft EIR Project, runoff from the Refined Project Design would be handled by the existing storm drain and drainage network in the project area. Similar to the Draft EIR Project, the potential construction-related water quality impacts caused by the erosion of disturbed soils and sedimentation of downstream waters would be avoided through the implementation of Best Management Practices (BMPs) required by the City and Regional Water Quality Control Board. Operational impacts to water quality caused by minor increases in urban runoff would be lessened by the Refined Project Design since the south mesa would remain undeveloped. Similar to the Draft EIR Project, long-term water quality impacts under the refined project would be precluded by compliance with the City Stormwater regulations.

No new significant or more severe hydrology or water quality impacts would occur with implementation of the Refined Project Design.

Geology

Elimination of development on the south mesa reduces the amount of grading in native material from levels analyzed in the Draft EIR. In addition, the slope stability analysis conducted for the Draft EIR Project concluded that a low potential for slope instability exists on site (refer to the Issue 1 discussion in Subsection 5.9.2 of Section 5.9, *Geology*, of the EIR); this same slope analysis applies to the Refined Project Design. Standard design, engineering and construction practices would prevent any potential impacts from seismic ground acceleration, soil erosion, expansive soils and oversize materials from occurring under either the Draft EIR Project or the Refined Project Design.

Implementation of the Refined Project Design would not avoid any significant geology impacts since none are anticipated with the Draft EIR Project. Furthermore, no new significant or more severe geology impacts would occur with the Refined Project Design.

Paleontological Resources

Under the Refined Project Design, potentially significant impacts to buried fossil resources would be reduced in severity from those assumed for the Draft EIR Project since 2.3 less acres of grading and excavation would occur on the south mesa. Potentially significant impacts would still arise with the Refined Project Design, due to excavation to install underground parking on the east and north mesas and the basement-level research facility on the north mesa; however, these potential impacts would be unchanged from those identified in the Draft EIR (see Subsection 5.10.2 in Section 5.10, *Paleontological Resources*, of this Final EIR).

No new significant or more severe impacts to paleontological resources would occur with implementation of the Refined Project Design.

Comparative Alternatives Analysis

Section 8.0 of the Draft EIR analyzed five build alternatives and compared the impacts of the alternatives to those of the Draft EIR Project. As discussed above under *Comparative Environmental Analysis*, the Refined Project Design would result in the less or similar environmental impacts as the Draft EIR Project related to land use, visual quality/neighborhood character, historical resources, traffic/circulation, air quality, noise, hydrology/water quality, geology and paleontological resources. Direct impacts to biological resources would be substantially reduced by the Refined Project Design through avoidance of grading on the south mesa. The following provides a discussion of the project alternatives discussed in the Draft EIR, as they relate to the environmental impacts and objectives of the Refined Project Design described herein. The analysis is in substantial conformance with the conclusions reached in the Draft EIR for the original project (i.e., Draft EIR Project), with the exception of direct impacts to biological resources, which the Refined Project Design substantially reduces.

Alternative Salk Community Center Building Layout

Section 8.3.1 of the EIR contains a description and analysis of this alternative, which proposes different configurations for the Salk Community Center and Torrey East Building than the Refined Project Design. It also contains the daycare facility and temporary housing quarters that have been eliminated by the Refined Project Design. The Alternative Salk Community Center Building Layout would result in 5,000 sf less building area than proposed under the Refined Project Design. In comparison to the Refined Project Alternative, this alternative would result in greater impacts to visual quality/neighborhood character due to the view blockage caused by the arrangement of the buildings on the north mesa and greater impacts to biological resources due to grading on the south mesa that is avoided under the Refined Project Design. Impacts in the areas of historical resources, traffic/circulation, air quality, noise, geology and paleontological resources would be the same or less than anticipated for the Refined Project Design. As concluded in the Draft EIR, the Alternative Salk Community Center Building Layout would not avoid the significant unmitigable impacts to the I-5/Genesee Avenue interchange associated with the proposed project.

Although the Alternative Salk Community Center Building Layout would be consistent with many of the project objectives for the Refined Project Design, it would incorporate daycare and housing uses that would cause additional impacts to biological resources, worsen construction noise impacts, and eliminate (and not enhance) the public view corridor across the north mesa to the ocean and scenic coastal resources nearby, resulting in a new significant and unmitigable impact. Additionally, this alternative would not avoid significant and unmitigable traffic impacts (as noted above).

North Mesa Intensified Development Alternative

This alternative would eliminate development on the south mesa, similar to the Refined Project Design, but unlike the Refined Project Design also proposes to construct the daycare facility and temporary housing quarters on the north mesa. As such, the North Mesa Intensified Development Alternative would result in 24,000 sf more building area than the Refined Project Design. Similar to the Refined Project Design, the MHPA boundary line adjustment would not extend across the south mesa. As noted in Section 8.3.2 of the EIR, placing the daycare and housing on the north mesa would result in a whole host of design complications that would not occur under the Refined Project Design. The North Mesa Intensified Development Alternative would result in far greater impacts to visual quality/neighborhood character than the Refined Project Design due to view blockages caused by additional buildings on the north mesa. Direct impacts to biological resources of this alternative would be less than significant and similar to the Refined Project Design on the south mesa. Indirect impacts to biological resources would be slightly greater on the north mesa due to the development's proximity to habitat, in particular vernal pools, to the west and the need for brush management in the proposed MHPA that would not be necessary under the Refined Project Design. Impacts in the areas of air quality, hydrology/water quality, geology, noise and paleontological resources would be the same or slightly less than anticipated for the Refined Project Design. Impacts to historical resources caused by changes in spatial relationships would be far greater than the Refined Project Design due to the development intensity on the north mesa and lack of a buffer between new and old structures. Impacts due to noise (construction) would be worse to on-site uses than the Refined Project Design due to the construction of the Salk Community Center in close proximity to the daycare and housing uses.

With regard to the objectives of the Refined Project Design, the North Mesa Intensified Development Alternative would not be consistent with the scope and general intent of the planning and architectural theme envisioned for the site, would result in inappropriate land use adjacencies on the north mesa, would eliminate the public view corridor across the north mesa and would not enhance existing landscape and structures. Similar to conclusions reached in the Draft EIR, this alternative would create a new significant and unmitigable visual quality impact, would not avoid the significant and unmitigable traffic impact, and would not achieve many of the basic project objectives (as noted above).

Neighborhood Proposed Alternative

This alternative would eliminate development on the south mesa, similar to the Refined Project Design, but (unlike the Refined Project Design) also proposes to construct the daycare facility and temporary housing quarters on the north mesa, decrease the size of the Salk Community Center, increase the size of the Torrey East Building and modify the arrangement of uses on the north mesa. The Neighborhood Proposed Alternative would result in 10,000 sf less building area than the Refined

Project Design. Similar to the Refined Project Design, the MHPA boundary line adjustment would not extend across the south mesa. As noted in Section 8.3.3 of the EIR, placing the daycare and housing on the north mesa would result in many of the design complications that make the North Mesa Intensified Development Alternative undesirable for the applicant that would not occur under the Refined Project Design.

The Neighborhood Proposed Alternative would result in far greater impacts to visual quality/neighborhood character than the Refined Project Design due to view blockages caused by additional buildings on the north mesa. Direct impacts to biological resources would be less than significant and similar to the Refined Project Design on the south mesa. Indirect impacts to biological resources would be much greater on the north mesa due to lack of a buffer between development and adjacent habitat, in particular vernal pools, to the west and the need for brush management in the proposed MHPA that would not be necessary under the Refined Project Design. Impacts in the areas of air quality, hydrology/water quality, geology and paleontological resources would be the same as anticipated for the Refined Project Design. Impacts to historical resources caused by changes in spatial relationships would be far greater than the Refined Project Design due to the increased development intensity on the north mesa and lack of a buffer between new and old structures. Impacts due to noise (construction) would be worse to on-site uses due to the construction of the Salk Community Center in close proximity to the daycare and housing uses.

With regard to the objectives of the Refined Project Design, the Neighborhood Proposed Alternative would not be consistent with the scope and general intent of the planning and architectural theme envisioned for the site, would result in inappropriate land use adjacencies on the north mesa, would eliminate the public view corridor across the north mesa and would not enhance existing landscape and structures. Similar to conclusions reached in the Draft EIR, this alternative would create a new significant and unmitigable visual quality impact, would not avoid the significant and unmitigable traffic impacts and would not achieve many of the basic project objectives (as noted above).

Reduced Project Alternative

In an effort to avoid traffic impacts, the Reduced Project Alternative defined in the Draft EIR would restrict new scientific research development to 40,000 additional sf as compared to the 215,200sf of scientific research space proposed under the Refined Project Alternative (see Table 3-1 in the EIR). The daycare facility and other ancillary support uses to the scientific research space on site could still be constructed because they would not generate traffic. As such, a portion of the development on the south mesa assumed in the Draft EIR Project would still be anticipated under this alternative. Overall, this alternative would reduce the Refined Project Design by approximately 176,000 sf. The Reduced Project Alternative would avoid the significant and unmitigable traffic impact at the I-5/Genessee Avenue interchange; impacts to visual quality/neighborhood character, historical resources, air quality, noise, hydrology/water quality and paleontological resources would be similar to

or less than the Refined Project Design. Direct and indirect impacts to biological resources from this alternative would be greater than the Refined Project Design should the daycare facility be constructed.

Although the Reduced Project Alternative would be consistent with the planning and architectural theme envisioned for the site, would allow for the removal of temporary buildings and would substantially avoid significant traffic impacts of the Refined Project Design, it would not accomplish the basic project objectives of maximizing state of the art scientific research space and centralizing facilities for the Institute. It would also not enhance or expand environmental protection on sensitive resources on site as much as the Refined Project Design would.

East Parking Lot Avoidance Alternative

As described in Section 8.3.5 of the EIR, this alternative would involve constructing similar uses as contained in the Draft EIR Project, except it would eliminate the Torrey East Building and the eastern parking garage. The daycare and housing components of the Master Plan that have been dropped from the Refined Project Design would be implemented under this alternative. As noted in the Draft EIR, adoption of this alternative would eliminate approximately 94,300 sf of scientific research space from the site, thus reducing the Refined Project Design proportionately. The East Parking Lot Impact Avoidance Alternative would allow the applicant to avoid disturbing known historic resources in the east parking lot, resulting in less impacts than anticipated with the Refined Project Design. However, the significant and unmitigable traffic impact the I-5/Genessee Avenue interchange would not be avoided by this alternative. New significant impacts to parking supply caused by the loss of an underground parking garage would be created by this alternative. Because the reduction in square footage would occur in the developed portion of the campus, direct impacts to biology caused by this alternative would be greater than anticipated for the Refined Project Design. Similar to the Draft EIR Project, impacts from this alternative to archaeological resources, air quality, noise, hydrology/water quality, geology and paleontological resources would be similar to or less than those anticipated for the Refined Project Design.

As stated Section 8.3.5 of the EIR, the East Parking Lot Impact Avoidance Alternative would be consistent with the scope of the design scheme envisioned for the site but would not accomplish the basic project objectives of the Refined Project Design, including developing new scientific research facilities, providing centralized facilities, satisfying the parking needs of the site, and allowing for the removal of all temporary buildings on campus. In addition, it would not enhance or expand environmental protection of sensitive areas to the degree that the Refined Project Design would.

In summary, only one of the project alternatives analyzed in the EIR would reduce the significant environmental impacts of the Refined Project Design and, in most cases, the alternatives would introduce new significant impacts that would not be anticipated for the Refined Project Design (i.e., parking, biological resources, visual quality). The No Project Alternative would still result in minimal

environmental impacts. As such, the Reduced Project Design would still be considered the Environmentally Superior Alternative for its ability to reduce the severity of significant and unmitigable traffic impact of the Refined Project Design, relative to other project alternatives. Table P-4, *Comparison of Refined Project Design with Project Alternatives*, provides a summary of the alternatives discussion provided herein.

Conclusions

The changes to the proposed Salk Institute Master Plan associated with the Refined Project Design (i.e., elimination of the proposed daycare facility and temporary housing quarters, minor reconfiguration of the proposed Salk Community Center Building, and elimination of the proposed surface parking adjacent to and westward extension of Salk Institute Road) would not introduce any new impacts, significant or otherwise, that were not addressed in the Draft EIR. Additionally, the significant impacts to biological resources and noise identified in the Draft EIR would be reduced or, in some instances, avoided, with implementation of the Refined Project Design described and analyzed in this Preface to the Final EIR. Finally, all of the uses proposed under the Refined Project Design and its project alternatives were analyzed in the Draft EIR that was circulated for public review and which the public had adequate time to comment on.

As described for each issue area on the preceding pages, no new project components are proposed and no new significant impacts would occur under the Refined Project Design. Although a comparative analysis of each issue area addressed in the Draft EIR is contained herein, no significant new information has been added to the EIR. Although some new information that clarifies or amplifies information in the Draft EIR has been added in the form of minor project changes, in accordance with State CEQA Guidelines Section 15088.5(a), this information is not considered "significant" because it does not change the EIR in "a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)" that the applicant has declined to implement. Additionally, recirculation is not required if no new significant environmental impact or substantial increase in the severity of an impact would result from the project; in fact, each analysis herein concluded not only that no new significant impacts would occur under the Refined Project Design, but that impacts from the refined project would be the same as or less than those identified in the Draft EIR (State CEQA Guidelines Section 15088.5(a)(1)).

Based on the impact conclusions summarized above, the analyses presented in the Draft EIR adequately address the Refined Project Design, and no additional analysis beyond that provided herein needs to be added to this document. Moreover, recirculation is not mandated because the new information presented herein merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines Section 15088.5(b)). Finally, in accordance with Section 15088.5(e) of the State Guidelines, substantial evidence presented herein and in the applicable sections of this Final EIR supports the City's decision not to recirculate the Draft EIR.

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**Table P-4
 COMPARISON OF REFINED PROJECT DESIGN
 WITH PROJECT ALTERNATIVES**

Environmental Issue	Refined Project Design	No Project/No Development Alternative	Alternative Salk Community Center Building Layout	North Mesa Intensified Development Alternative	Neighborhood Proposed Alternative	Reduced Project Alternative	East Parking Lot Impact Avoidance Alternative
Land Use	LS	N	LS	LS	LS	LS	LS
Visual Quality/ Neighborhood Character	LS	N	SU	SU	SU	LS	LS
Biological Resources	SM	N	SM	SM	SM	SM	SM
Historical Resources	SM	N	SM	SM	SM	SM	SM
Traffic/ Circulation	SU	N	SU	SU	SU	LS	SU
Air Quality	LS	N	LS	LS	LS	LS	LS
Noise	SM	N	SM	SM	SM	SM	SM
Hydrology/ Water Quality	LS	N	LS	LS	LS	LS	LS
Geology	LS	N	LS	LS	LS	LS	LS
Paleontological Resources	SM	N	SM	SM	SM	SM	SM

* Only the environmental effects found to be significant for the proposed project are included in this comparison matrix.
 SU=Significant and Unmitigable; SM=Significant but mitigable; LS=Less than significant; N=No impact.

LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR

A draft version of the EIR for the proposed Salk Institute Master Plan project (SCH #2004111049) was circulated for public review from March 22, 2007 to May 21, 2007. During the public review period a total of 16 letters of public comment were received. Agencies, organizations/special interest groups and individuals submitting comments on the project are listed below, and organized by category.

LETTER DESIGNATION	FEDERAL AGENCIES	ADDRESS	RESPONSE PAGE
A	The Wildlife Agencies (combined letter from United States Fish and Wildlife Service and California Department of Fish and Game)	6010 Hidden Valley Road Carlsbad, CA 92011	RTC-6
B	United States Marine Corps	Marine Corps Air Station P.O. Box 452000 San Diego, CA 92145	RTC-10
STATE AGENCIES			
C	Native American Heritage Commission	915 Capitol Mall Room 364 Sacramento, CA 95814	RTC-12
D	Department of Parks and Recreation, San Diego Coast District	4477 Pacific Highway San Diego, CA 92110	RTC-16
COUNTY, CITY, AND OTHER LOCAL AGENCIES			
E	University City Planning Group	c/o Linda Colley, Chairperson	RTC-18
ORGANIZATIONS			
F	National Trust for Historic Preservation, Western Office	The Hearst Building 5 Third Street, Suite 707 San Francisco, CA 94103	RTC-33
G	San Diego County Archaeological Society	P.O. Box 81106 San Diego, CA 92138	RTC-38
H	Kwaaymii, Laguna Band of Indians	c/o Carmen Lucas P.O. Box 775 Pine Valley, CA	RTC-40

LETTER DESIGNATION	ORGANIZATIONS (cont.)	ADDRESS	RESPONSE PAGE
I	San Diego Sierra Club	c/o Joanne H. Pearson	RTC-45
J	Endangered Habitats League	c/o Michael Beck, Director 8424-A Santa Monica Blvd., Suite 592 Los Angeles, CA 90069	RTC-48
K	San Diego Audubon Society	4891 Pacific Highway Suite 112 San Diego, CA 92110	RTC-52
L	San Diego Coastkeeper	2825 Dewey Road, Suite 200 San Diego, CA 92106	RTC-54
M	Friends of Rose Canyon	6804 Fisk Avenue San Diego, CA 92122	RTC-59
INDIVIDUALS			
N	Courtney Ann Coyle	Held-Palmer House 1609 Soledad Avenue	RTC-70
O	Gary Fogel	P.O. Box 12339 La Jolla, CA 92029	RTC-124
P	Ian Trowbridge	Non given; comments received via e-mail	RTC-127

Each of these letters was assigned a letter designation, as noted above, with each comment in the letter numbered beginning with the number one. Each letter is reprinted herein, along with a written response.

The following pages provide the comment letter on the left side, with each specific comment numbered in the left-hand margin, and correspondingly numbered responses to each comment on the right-hand side. Each comment and response is designated by both the letter assigned to that piece of correspondence, as well as the number assigned to the comment (e.g., A1, A2 and so on).

Where similar comments were received from multiple sources, the reader may be referred to another applicable response. For comments that required modifications to correct or clarify information in the Draft EIR, that fact is so stated, and the changes are identified via strike-out underline pages in this Final EIR. In some cases, comments and responses provide additional information, which is now a part of the Final EIR.

COMMENTS

RESPONSES



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440
FAX (760) 930-0846



California Department of Fish and Game
South Coast Regional Office
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS-SDG-1296.2

MAY 07 2007

Allison Sherwood
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Comments on the Draft Environmental Impact Report for the Salk Institute Master Plan Project, City of San Diego, San Diego County, California (Project No. 44675, SCH# 2004111049)

Dear Ms. Sherwood:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced draft Environmental Impact Report (EIR) dated March 22, 2007. The comments provided herein are based on information provided in the draft EIR and associated documents, our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, *anadromous fish*, and *endangered animals and plants occurring in the United States*. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program. The City of San Diego currently participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan.

The project site is located at 10010 North Torrey Pines Road, between Torrey Pines Scenic Drive and Salk Institute Road. The project proposes to construct an additional 239,200 square feet of new research space to include new scientific research building(s), an administrative support building, day care facility for employees, support buildings, a below-grade facility to house

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Allison Sherwood (FWS-SDG-1296.2)

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specialized research equipment, temporary residential quarters, and underground parking. These uses and facilities would be constructed over a period of several decades. The existing campus contains approximately 290,000 square feet of building area and 600 parking spaces.

The project site is within the Coastal Zone and a portion of it is within the Multi-Habitat Planning Area (MHPA) of the City's MSCP. The project would require an MHPA boundary line adjustment (BLA), which was approved by the Service and Department in November 2006 and January 2007, respectively, following consultation with the City. The BLA would add 3.27 acres of habitat into the MHPA and remove 0.05 acre (Table 1), for a net gain to the MHPA of 3.22 acres.

Table 1: MHPA Boundary Line Adjustment		
Vegetation Community	added to MHPA	removed from MHPA
southern willow scrub	0.02	--
vernal pools	0.09	--
maritime succulent scrub	0.05	0.02
coastal sage scrub	2.11	--
southern maritime chaparral	0.01	--
southern mixed chaparral	0.90	--
non-native grassland	0.03	--
subtotal:	3.21	0.02
disturbed	0.05	0.01
ornamental	--	--
non-native	0.01	--
and developed area	--	0.02
TOTAL:	3.27	0.03

Table 2 summarizes the acreages of the habitat types currently occupying the project site, the anticipated impacts to these habitats from development of the proposed project, and the required mitigation. Additional mitigation for impacts to maritime succulent scrub would be provided through a contribution to the City's Habitat Acquisition Fund (HAF), equivalent to 0.03 acre of Tier I habitat. Coastal California gnatcatcher (*Poliopnila californica californica*; gnatcatcher) were detected on site during surveys in 2000, 2001, and 2003. Surveys conducted in 2004 for federally listed fairy shrimp in the vernal pools on site were negative. An open space easement would be recorded over the land to be added to the MHPA to provide on-site mitigation for impacts to sensitive habitats.

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COMMENTS

RESPONSES

Allison Sherwood (FWS-SDG-1296.2)

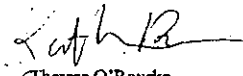
Page 3

non-native grassland	III B	0.03	--	
subtotal:		7.36	1.83	1.72
disturbed	IV	0.62	0.17	--
ornamental	IV	0.13	0.09	--
non-native vegetation	IV	0.05	--	--
developed	IV	18.18	9.25	--
TOTAL:		26.34	11.34	1.72

We offer our comments and recommendations in the attached enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

We appreciate the opportunity to comment on the draft EIR for this project. If you have questions or comments regarding this letter, please contact Ayoola Polarin of the Service (760) 431-9440 or Heather Schmalbach of the Department at (858) 637-7188.

Sincerely,


Theresa O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service


Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

Enclosure

cc: State Clearinghouse

000298

**Wildlife Agency Comments and Recommendations on the
Draft Environmental Impact Report for the Salk Institute Master Plan Project**

- A1 1. The Wildlife Agencies typically consider the results of biological surveys to be current for up to one year prior to the circulation of the project-related CEQA document, or the onset of project impacts depending on the lapse of time between the two. Therefore, we request that (a) protocol/focused surveys for gnatcatchers (last conducted in 2003) within the project site and a surrounding 500-foot buffer be conducted within a year prior to the onset of project impacts; and, (b) the applicant provide us with a figure which plots the survey results relative to the project impact areas. This information is necessary to determine what measures, if any, beyond those proposed in the draft EIR, would be necessary to ensure that project-related biological impacts are reduced to a level less than significant.
- A2 2. It is unclear from the draft EIR for which species of fairy shrimp protocol surveys were conducted on site. According to page 5.3-5 of the EIR, surveys were conducted only for Riverside fairy shrimp, because it is the only fairy shrimp species with a moderate potential to occur. The table on page 5.3-10 indicates that Riverside fairy shrimp have a low potential to occur, while San Diego fairy shrimp have a moderate potential to occur, and both were surveyed for in 2004. Please clarify for which species the surveys were done and the likelihood of either species to occur in the vernal pools on site.
- A3 3. We recommend the Salk Institute adopt a policy of no pets for residents of the temporary housing on site to reduce the potential for intrusion of pets into the preserved areas where they may impact sensitive species and habitats.
- A4 4. The HMP indicates that the existing individual Nuttall's scrub oak within brush management Zone 2 would be tagged with a metal tag to indicate it is to be avoided. The final EIR should require that any other sensitive plant species that occur in Zone 2 areas would also be tagged for avoidance in the future.
- A5 5. The final EIR should be updated to reflect the outcome of the California Coastal Commission hearing of the City's Local Coastal Program (LCP) Major Amendment No. 1-07 (Brush Management Regulations) conducted on February 15, 2007. Project impacts and mitigation requirements regarding brush management Zone 1 and Zone 2 should be revised and clarified, as necessary. Any additional mitigation required for impacts to sensitive vegetation communities from expanded brush management would require preservation of habitat beyond that provided pursuant to the already approved BLA.
- A6 6. The draft EIR indicates that brush management would be conducted pursuant to Chapter 5, Article 5, Division 92 of the San Diego Municipal Code. However, this division of the Code was repealed in September 2005 by Ordinance 19413. The final EIR should be updated to cite the current regulations regarding brush management within the City.
- A7 7. The draft EIR indicates that impacts to nesting migratory birds are not significant due to compliance with the approved MSCP Subarea Plan. However, the MSCP Subarea Plan does not provide take for non-MSCP covered species, including many migratory avian species. In order to comply with sections 3503 and 3503.5 of the Fish and Game Code and

- A1 Protocol/focused surveys for the coastal California gnatcatcher will be conducted in the MHPA that lies within 500-feet of the proposed construction within one year prior to the onset of project grading, as described in mitigation measure 5.3-7 in the EIR. The qualified biologist hired by the Salk Institute to conduct the survey will provide the Wildlife Agencies with a figure plotting the survey results relative to the project impact areas, in accordance with their Endangered Species Act (ESA) Section 10(a) Recovery Permit requirements.
- A2 As noted in Table 5.3-3 on page 5.3-10, protocol-level surveys were conducted on the project site in 2004 for both San Diego and Riverside fairy shrimp, and both wet and dry season surveys were negative for both species. The statement on page 5.3-5 of the Draft EIR, which indicates that surveys were conducted only for the Riverside fairy shrimp, has been revised accordingly in the Final EIR. Table 5.3-3, however, is correct in classifying the San Diego fairy shrimp as having a moderate potential to occur, and the Riverside fairy shrimp as having a low potential to occur. As noted in the table, Riverside fairy shrimp have a low potential to occur on the project site because this species typically occurs in basins greater than 10 inches in depth, while the basins found on site are less than 10 inches deep.
- A3 The applicant is no longer proposing to construct the temporary housing quarters, therefore, there is no need for a "no pets policy."
- A4 Grading and development is no longer proposed on the south mesa where the Nuttall's scrub oaks occur. Any sensitive plant species that occur in brush management Zone 2 on the north mesa, such as barrel cactus, would be tagged prior to brush management as required by the project HMP.
- A5 Projects appealed to the Coastal Commission are reviewed to determine whether they are consistent with the certified local coastal program (LCP). In 1999, the Coastal Commission certified the City of San Diego's Land Development Code, which included the pre-Cedar Fire brush management regulations. When the City of San Diego amends the Land Development Code, those amendments cannot be applied to projects in the Coastal Zone until the Coastal Commission certifies the amendment. Although the post-Cedar Fire brush management regulations amendment has been adopted for land outside of the Coastal Zone, the amendment as it pertains to land within the Coastal Zone (including the project site) is pending approval by the Coastal Commission, even following the February 15, 2007 hearing noted in the comment.

To date, the Coastal Commission has not certified the post-Cedar Fire brush management regulations due to concerns that they do not conform to the minimum requirements of the Coastal Act due to impacts that Zone 2 brush management may have on Environmentally

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COMMENTS

RESPONSES

A5 cont.

Sensitive Habitat Areas (ESHA). In the February 15, 2007 public hearing, the Coastal Commissioners proposed amendments to the post-Cedar Fire brush management regulations and requested that the City staff and City Council review and adopt the proposed amendments. The proposed amendments would require Zone 2 brush management to avoid ESHA and remain within the 25% development envelope for parcels entirely within the MSCP. In addition to their proposed amendments to the City's post-Cedar Fire regulations, the Commissioners continued to support the use of alternative compliance (such as firewalls) to shrink the width of the brush management zones as a means of avoiding ESHA.

At the February 2007 hearing, City staff was not supportive of the Coastal Commission's proposed amendments due to concerns that requiring all of Zone 2 to be included within the 25 percent development envelope would constitute an unconstitutional taking of private property. City staff also maintained their position that Zone 2 brush management is impact neutral and pre-mitigated by the MSCP. Subsequently, the City Council adopted a revised brush management ordinance that included some, but not all, of the Coastal Commission's proposed amendment. This revised brush management ordinance is not effective in the Coastal Zone until it is certified by the Coastal Commission. Coastal Commission staff has indicated to City staff that the City's revised ordinance is not acceptable and they have not certified it.

Therefore, the EIR must analyze the project in accordance with the current applicable law, which is, for land within the Coastal Zone, the pre-Cedar Fire brush management regulations. Any EIR analysis of whether the project would comply with the post-Cedar Fire brush management regulations or the post-Cedar Fire brush management regulation amendments proposed by the Coastal Commission is speculative. In the interest of full disclosure, however, the City's proposed Local Coastal Program Amendment regarding brush management regulations was analyzed in the EIR; see pages 5.3-19 and 5.3-20. Additional mitigation that could be required should the new brush management regulations be adopted also was included in the EIR; see Table 5.3-5 on page 5.3-20. Nevertheless, the City notes that the pre-Cedar Fire, the post-Cedar Fire, and the proposed Coastal Commission amendments to the post-Cedar Fire brush management regulations all allow the City Fire Chief to adjust the width of the brush management zones on a case-by-case basis, to account for site-specific conditions. This adjustment is called alternative compliance. Alternative compliance determinations are based on the Fire Department's judgments about site- and project-specific characteristics that can justify a change in the widths of the brush management zones. Because the proposed buildings would be constructed of concrete, which would provide a higher level of fire protection than wood structures, a reduction in the 100-foot brush management zone width may be justifiable while maintaining a level of fire protection that is functionally equivalent to the proposed regulations.

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COMMENTS

RESPONSES

A5 cont.

Finally, Zone Two brush management is also permitted in the MHPA because the MSCP's EIR determined that Zone Two brush management was impact neutral and the statute of limitations for challenging the MSCP's EIR has long since expired. The City of San Diego, CDFG and USFWS were all parties to the MSCP and its Implementing Agreement.

A6 As indicated in the comment, the EIR (in the Project Description on page 3-11) states that brush management activities on site would be conducted pursuant to Chapter 5, Article 5, Division 92 of the San Diego Municipal Code (SDMC). This statement has been revised to indicate that the City repealed the noted brush management regulations in September 2005, except for land within the Coastal Zone where the Coastal Commission has not approved the code change. Furthermore, please note that language addressing the City's 2005 code change and pending LCP Amendment approval by the Coastal Commission was included on page 5.3-19 of the Biological Resources section of the EIR, as discussed in response to comment A5 above.

A7 The City has and will continue to comply with state laws protecting bird species and agrees that the Migratory Bird Treaty Act protects all nesting bird species from direct impacts. However, it is not considered appropriate to consider direct or indirect effects to be a significant impact for non-MSCP covered (avian) species. Due to the documented sensitivity of gnatcatchers and raptors to disturbance, it is generally recognized by state and federal jurisdictions that construction activities in the vicinity of nesting gnatcatcher and raptors can result in the abandonment of nests. Mitigation is proposed to avoid direct impacts to gnatcatchers during the breeding season (March 1 through August 15), see mitigation measure 5.3-7 in the EIR. There is some debate about how much of an effect construction noise has on the breeding success of non-covered species. There is no scientific evidence published which supports the conclusion that construction noise would significantly impact the reproductive success of all breeding birds. Therefore, the Wildlife Agencies have taken a conservative approach in their interpretation of the Migratory Bird Treaty Act and Fish and Game Code by suggesting that the applicant observe a 300-foot buffer around all active bird nests (even those of common species that are not considered sensitive). Pursuant to CEQA and in accordance with the MSCP Subarea Plan, it is not considered appropriate for the City to impose mitigation on a project for less than significant impacts to bird species that are not listed or considered sensitive by the Wildlife Agencies.

000301

COMMENTS

RESPONSES

Allison Sherwood (FWS-SDG-1296.2)

Enclosure, Page 2

A7
Cont.

ensure no direct impacts to active avian nests, construction activities (including vegetation clearing and grubbing) within or adjacent to avian nesting habitat should occur outside of the avian breeding season (January 15 to August 31), or sooner if a qualified biologist demonstrates to the satisfaction of the Wildlife Agencies that all nesting activities on site are complete. Additionally, we recommend that pre-construction surveys be performed by a City-approved biologist to determine the presence or absence of nesting birds within 300-foot (500-foot for raptors) of the construction area prior to the initiation of construction-related activities if construction (other than vegetation clearing and grubbing) should occur during the breeding season. The pre-construction surveys should be conducted within 10 calendar days prior to the start of construction, and the results submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected, a City-approved biologist should prepare and submit to the City for review and approval a mitigation plan to ensure that disturbance of breeding activities is avoided. The biologist should implement the City-approved mitigation plan to the satisfaction of the City.

A8

8. Any planting stock brought onto the project site for landscaping should be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infected with such pests should not be allowed on the project site or within 300 feet of natural habitats. The stock should be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.

A8

The following language has been added to the landscape design guidelines for the project on file with the City: Any planting stock brought onto the project site for landscaping should be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infected with such pests should not be allowed on the project site or within 300 feet of natural habitats. The infected stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.

000302

COMMENTS

RESPONSES



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
P.O. BOX 452000
SAN DIEGO, CA 92145-2000

11103
CP&L/44675
April 9, 2007

CITY OF SAN DIEGO
DEVELOPMENT SERVICES CENTER
ATTN ALLISON SHERWOOD
1222 FIRST AVENUE MS 501
SAN DIEGO CA 92101-4155

RE: UNIVERSITY COMMUNITY PLAN; SALK INSTITUTE MASTER PLAN; 10010
NORTH TORREY PINES ROAD, JOB ORDER NUMBER 42-3122, PN 44675, APN
342-010-38

Dear Ms. Sherwood,

This is in response to the March 2007 Salk Institute Master Plan
Environmental Impact Report (EIR) which addresses future
development within the University Community Planning area.

The proposed site is contained within the "MCAS Miramar AICUZ
Study Area" identified in the 2005 Air Installations Compatible
Use Zones (AICUZ) Update for Marine Corps Air Station (MCAS)
Miramar. This area will be affected by operations of military
fixed and rotary-wing aircraft transiting to and from MCAS
Miramar. The project is located within the adopted 2004 MCAS
Miramar Airport Influence Area (AIA) and outside the 60 dB
Community Noise Equivalent Level (CNEL) noise contours. The
proposed project is consistent with AICUZ land use compatibility
guidelines for Miramar operations.

This location will experience noise impacts from the Seawolf
Flight Corridor for fixed-wing operations. The site will also
experience noise impacts from the Beach and Fairways Flight
Corridors for helicopter operations.

Occupants will routinely see and hear fixed and rotary-wing
aircraft and experience varying degrees of noise and vibration.
Consequently, we are recommending full disclosure of noise and
visual impacts to all initial and subsequent purchasers, lessees,
or other potential occupants.

B1 The Institute is located approximately 5 miles west of MCAS Miramar. As stated in the
comment, the nearest flight corridor for fixed-wing operations associated with MCAS is the
Seawolf Departure Corridor, and the nearest helicopter operations corridors are the Beach
and Fairways corridors, all of which are located to the north of the project site. As stated
in the EIR (page 5.1-13), the City recognizes that the Salk campus is located within the
MCAS Miramar Airport Influence Area, that it is currently subject to routine overflights
by military aircraft, and that this condition is expected to continue in the future. Although
people residing or working at the Institute would be exposed to varying degrees of noise
and vibration from aircraft, flights near the Institute are not low enough or frequent enough
to create significant vibration impacts, and noise associated with overflight activities would
constitute only a nuisance. The applicant is currently seeking a consistency determination for
the proposed project with regard to the operations of MCAS Miramar from the San Diego
County Regional Airport Authority (acting as the Airport Land Use Commission) and will
obtain it prior to the construction of new buildings.

000303

COMMENTS

RESPONSES

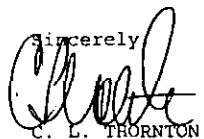
11103
CP&L/44675
April 9, 2007

Normal hours of operation at MCAS Miramar are as follows:

Monday through Thursday	7:00 a.m. to 12:00 midnight
Friday	7:00 a.m. to 6:00 p.m.
Saturday, Sunday, Holidays	8:00 a.m. to 6:00 p.m.

MCAS Miramar is a master air station, and as such, can operate 24 hours per day, 7 days per week. Fiscal and manpower constraints, as well as efforts to reduce the noise impacts of our operations on the surrounding community, impose the above hours of operation. Circumstances frequently arise which require an extension of these operating hours.

Thank you for the opportunity to review this land use proposal. If we may be of any further assistance, please contact Mr. Juan Lias at (858) 577-6603.

Sincerely


C. L. THORNTON
Community Plans and Liaison Officer
By direction of the Commanding Officer

Copy to:
City of San Diego, Project Manager, Laura Black
University Community Planning Group, Chair, Linda Colley
San Diego County Regional Airport Authority, Linda Johnson

B1
Cont.

000304

000305

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

918 CAPITOL MALL, ROOM 904
SACRAMENTO, CA 95814
(916) 883-8251
Fax (916) 887-8390
Web Site www.nahc.ca.gov
e-mail: na_hc@pacbell.net



April 25, 2007

Ms. Allison Sherwood
CITY OF SAN DIEGO
1222 First Avenue, MS 501
San Diego, CA 92101

Re: SCH#2004111049; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Salk Institute Master Plan; City of San Diego; San Diego County, California

Dear Ms. Sherwood:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916) 653-7278/<http://www.ohp.ca.gov/1068/miss/CV%20Roster.pdf>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

C1 It should be noted that the remaining actions recommended in the current NAHC letter already have been carried out or will be implemented as project mitigation, and are documented in Section 5.4, *Historical Resources*, of the EIR, as well as in response to comment C2, below.

C2 The Salk Institute campus has been surveyed several times over the years, as detailed on page 5.4-6 of the EIR. No cultural resources were identified within the study area during previous cultural resource monitoring (1992) or surveys (2000). And the most recent survey, an archaeological field survey performed in 2005 for the proposed project, also revealed that no cultural resources exist on site. Please note that, in response to the publication of the Notice of Preparation for the Salk Institute Master Plan EIR, the Native American Heritage Commission (NAHC) sent a letter to the City documenting the Sacred Lands File records search it performed for the Salk Institute campus. The letter, dated November 24, 2004, indicated that the records search failed to turn up any Native American cultural resources in the immediate project area. The findings of the 2004 Sacred Lands File records search are documented on page 5.4-6 of the EIR and the NAHC letter is included in Appendix A to the EIR. In addition, a literature review and archival records search for the Institute campus was conducted at the South Coast Information Center at San Diego State University, which is the California Historic Resources Information Center (CHRIS) in San Diego County, in preparation for the 2005 survey. The CHRIS search also failed to indicate the presence of Native American cultural resources on campus.

It should also be noted that a Native American Contacts list similar to the one attached to this EIR comment letter was attached to the 2004 NAHC letter. The City initiated a Native American consultation on the project with the appropriate tribes as required by Government Code Section 65352.3, and continues to consult with the responsive tribal representatives in accordance with state law.

COMMENTS

RESPONSES

C2 cont.

Although no cultural resources turned up on site in the records searches, none were observed during field surveys or are known to exist on site, and the City does not anticipate the accidental discovery of any such resources or human remains. Nevertheless, it has been determined, based on information received from the Native American community during the SB 18 Consultation process, that the possibility exists for unknown buried cultural resources to be uncovered during site preparation, excavation and grading operations. Therefore, mitigation in the form of archaeological and Native American construction monitoring is required, including specific provisions for the discovery of human remains, as detailed in Section 5.4 of the EIR and in the project Mitigation Monitoring and Reporting Program.

C2
Cont.

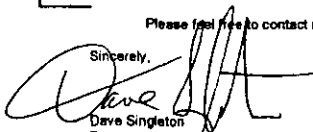
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 853-8251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

000306

COMMENTS

RESPONSES

Native American Contacts
San Diego County
April 25, 2007

Ewilaapaay Tribal Office
Harlan Pinto, Sr., Chairperson
PO Box 2250 Kumeyaay
Alpine, CA 91903-2250
wmicklin@learningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Viejas Band of Mission Indians
Bobby L. Barrett, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine, CA 91903
daquilar@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard, CA 91905
(619) 766-4930
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine, CA 92001
(619) 445-0385

Santa Ysabel Band of Diegueno Indians
Johnny Hernandez, Spokesman
PO Box 130 Diegueno
Santa Ysabel, CA 92070
brandietaylor@yahoo.com
(760) 765-0845
(760) 765-0320 Fax

Campo Kumeyaay Nation
H. Paul Cuero, Jr., Chairperson
38190 Church Road, Suite 1 Kumeyaay
Campo, CA 91906
chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon, CA 92021
ssilva@sycuan-nsn.gov
(619) 445-2613
619 445-1927 Fax

Jamul Indian Village
Leon Acebedo, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2004111049; CEQA Notice of Completion for the BALK INSTITUTE MASTER PLAN; City of San Diego; San Diego County, California.

000307

COMMENTS

RESPONSES

Native American Contacts San Diego County April 25, 2007

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270 Diegueno
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Clint Linton
P.O. Box 507 Diegueno/Kumeyaay
Santa Ysabel, CA 92070
(760) 803-5694
clinton73@aol.com

Kwaaymil Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley, CA 91962
(619) 709-4207

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside, CA 92040
(619) 443-6812
(619) 443-0681 FAX

Santa Ysabel Band of Diegueno Indians
Devon Reed Lomayeva, Esq., Tribal Attorney
PO Box 701 Diegueno
Santa Ysabel, CA 92070
drlomayeva@verizon.net
(760) 765-0845
(760) 765-0320 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5007.94 of the Public Resources Code and Section 5007.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2004111049; CEQA Notice of Completion for the SALK INSTITUTE MASTER PLAN; City of San Diego; San Diego County, California.

000308

STATE OF CALIFORNIA - RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor



DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District
4477 Pacific Highway
San Diego, California 92110
(619) 688-3260
Fax (619) 688-3229

RUTH COLEMAN, DIRECTOR

April 25, 2007

Dear Allison Sherwood,

D1

Thank you for providing us with the Environmental Impact Report (EIR) for the Salk Institute Master Plan. California State Parks understands that the project involves construction of a new scientific research facility and accessory uses, including temporary residential quarters and a day care facility for employees on the existing Salk Institute campus. We have an interest in the proposed project because the Salk Institute is located adjacent to Torrey Pines State Reserve (TPSR), and as such are concerned that the proposed project would reduce or degrade sensitive habitats linked to it.

After reviewing the EIR we are most concerned about the following issues: reduction of native plant species; reduction of wildlife habitat; an increase in site instability and erosion; and hydrological alteration.

Biologic Resources

D2

* We disagree with the classification of the chaparral on north-facing slopes as Southern Mixed Chaparral and believe it would be more appropriately represented as Southern Maritime Chaparral. This determination is consistent with the City of San Diego's definition of Southern Maritime Chaparral wherein any designated plant need not be dominant, "only present, to be considered as an indicator of Southern Maritime Chaparral" (Guidelines for Conducting Biology Surveys). We are aware of the presence on the site of at least one designated species, Nuttall's scrub oak (*Quercus dumosa*). Southern Maritime Chaparral is an increasingly rare vegetation type in coastal Southern California. As a result, this site, as well as other stands of native habitat within close proximity to the coast, should be viewed as a resource worthy of preservation.

D3

* Several sensitive species with high likelihood to occur on site were not discussed in the EIR. All of these species are present at the adjacent TPSR, and include, yet are not limited to: South Coast saltscale (*Atriplex pacifica*), woven-spore lichen (*Texosporium sancti-jacobi*), and peregrine falcon (*Falco peregrinus*). A pair of peregrine falcons have been observed foraging near the proposed project site.

D4

* In the table of sensitive animal species with potential to occur, the orange-throated whiptail (*Cnemidophorus hyperythrus beldingi*) is listed as "Moderate" under "Potential to Occur." It should be listed as "High" given that it is present in similar habitats at TPSR.

D5

* Under "Sensitive Plant Species," the EIR maintains that with the implementation of mitigation efforts, "significant" impacts would occur to populations of Nuttall's scrub oak. *Q. dumosa*, however, is a CNPS 1B.1 listed species, considered "rare,

- D1 The commenter's concerns are acknowledged and responses to the concerns are provided below.
- D2 As noted in Section 3.1.5 of the project Biological Technical Report (BTR) and on page 5.3-3 of the EIR, [t]he City's Guidelines for Conducting Biological Surveys, Attachment II (City 2002c) provides information to distinguish southern maritime chaparral from southern mixed chaparral. Within these guidelines, the City has identified ten plant species as indicators of southern maritime chaparral; of these species, only Nuttall's scrub oak (*Quercus dumosa*) was observed on site during vegetation mapping. Although the definition of southern maritime chaparral as noted in the comment states that any designated species (i.e., Nuttall's scrub oak, need not be dominant, but only present to be considered an indicator of southern maritime chaparral, the City does not strictly apply that definition and agrees with the vegetation mapping done by the project biology consultant. Please note that several specimens of Nuttall's scrub oak are found in Diegan coastal sage scrub on site (see EIR Figure 5.3-1), and that the trees' presence within that habitat does not dictate the habitat's classification.
- D3 While the noted species [i.e., South Coast saltscale (*Atriplex pacifica*), woven-spore lichen (*Texosporium sancti-jacobi*), and peregrine falcon (*Falco peregrinus*)] may be present in the adjacent Torrey Pines State Reserve (TPSR), they were not detected or observed on site during surveys conducted for the EIR or documented in reports summarizing previous surveys of the site, thus they are not discussed in the EIR. Table 5.3-2 of the EIR has been revised to include South Coast saltscale, and Table 5.3-3 of the EIR has been revised to include peregrine falcon, due to their potential to occur on site. Woven-spore lichen is not a federal or state listed species, nor is it a California Native Plant Society (CNPS) listed species. This species also is not covered under the City's MSCP and its potential to occur is extremely low. These facts, combined with its absence from the project site, therefore, render it unsuitable for inclusion in Table 5.3-2 or discussion elsewhere in the EIR.
- D4 Given the species' presence in the adjacent TPSR, the potential to occur for orange-throated whiptail (*Cnemidophorus hyperythrus beldingi*) has been changed from moderate to high in Table 5.3-3 of the EIR.
- D5 Although the California Native Plant Society considers Nuttall's scrub oak sensitive, a status that the City recognizes, it is not a federal or state listed or a MSCP narrow endemic (i.e., covered) species. The project design has been refined and all the Nuttall's scrub oak would be preserved in an on-site conservation easement, as described in the Preface to the Final EIR.

000309

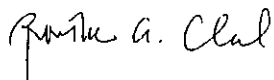
COMMENTS

RESPONSES

Ms. Allison Sherwood
April 25, 2007
Page 2

- D5 Cont. threatened, or endangered in CA and elsewhere," and thus any impact could be considered significant. As this species is also a determinant of an extremely rare vegetation type, impacts are of increased concern.
- D6 * The proposed plan to mitigate for Torrey pines (*Pinus torreyana*) impacted during construction calls for the replacement of all Torrey pines in the landscape. To avoid hybridization, all replacement trees should be of subspecies *torreyana*, and not of subspecies *insularis*.
- D7 * In the paragraph mentioning the Brush Management Zone, the EIR neglects to mention that many exotic invasive plant species are adapted to high levels of habitat disturbance. While "no significant impacts" may be seen to native plants in Zone 2, invasive species are more likely to recruit to these habitats in high numbers, and as such may contribute to the long-term degradation of the site.
- D8 * There are both short-term and long-term affects upon sensitive wildlife species that may result from construction and maintenance-related noise, as well as nighttime lighting. Furthermore, there may be long-term affects on bird mortality from the increased surface area of windows on the proposed site. These should be considered in your analysis and project design so as to disclose and lessen potential project impacts.
- Hydrology**
- D9 * Due to the enlargement of impermeable surfaces and ornamental landscaping for the proposed project, we are concerned that the drainages below the site may receive urban runoff. This could contribute to progressive bluff erosion and successive recruitment of invasive nonnative plants, including pampas grass (*Cortaderia selloana*), giant reed (*Arundo donax*), and others.
- D10 Again, Thank you for the opportunity to provide comment. We hope for a well-thought out project that is sensitive to preservation of critical habitat that form the core of San Diego.

Sincerely,



Ronilee A. Clark, Superintendent
San Diego Coast District

cc: Darren Smith, Environmental Scientist, California State Parks

- D6 The project landscape design guidelines use the Torrey pine subspecies *torreyana* in project landscaping.
- D7 The text on page 5.3-29 of the EIR acknowledges that brush management "could result in a loss of habitat value and/or invasion of non-native plants." It should be noted that the existing EIR discussion states that implementation of the project Habitat Management Plan (HMP) would ensure that brush management on the Salk site would not result in exotic species invasion. As noted in the HMP, the targeted removal of four exotic species, chosen for their severity as noxious exotic vegetation in the area, would begin concurrent with construction of the first building under the proposed project and the Salk Institute will conduct ongoing exotic species control activities as described in Section 5.2 of the HMP. Specifically, the Institute will be responsible for removing populations of all exotic plant species included in the California Invasive Plant Cour (Cal-IPC) species lists. Zero Tolerance Species (including species ranked High by Cal-IPC) will be identified and mapped during initial site visits to the preserve areas (i.e., Multi-Habitat Planning Area, which include some areas of brush management Zone 2), and such species will be removed within two weeks after their discovery. Focused weeding events also will take place in January/February and again in April/May, with additional weeding to occur as needed throughout the remainder of the year. Prevention/reduction of exotic species introduction will be an on-going process.
- D8 Noise and lighting effects were considered in the project design and analysis contained in the EIR (see page 5.3-27). Indirect impacts upon sensitive wildlife resulting from construction- and operations-related noise are analyzed on page 5.3-27 of the EIR. Operation of the proposed project was not found to generate or introduce noises that would significantly impact or interfere with wildlife utilization of the MHPA. Short-term construction noise impacts, however, were found to be potentially significant and mitigation in the form of noise monitoring and noise walls is included in Biological Resources mitigation measure 5.3-7. Nighttime lighting of the project site, during both construction and operational phases, was found to involve less than significant impacts due to the incorporation of project design measures and design guidelines to prevent light dispersion into the adjacent MHPA. Specifically, as noted on page 5.3-27 of the EIR, existing overhead lighting in the northern portion of the project site adjacent to the MH would be removed, and all new outdoor project lighting installed adjacent to open space would be shielded and directed away from such sensitive areas. Reflective glass is not permitted by the Design Guidelines and recessed windows are encouraged; therefore impacts to birds would be minimized.
- D9 As noted in response to comments L2 and L3 from San Diego Coastkeeper, the proposed project would manage and reduce the levels of construction and post-development stormwater runoff discharged from the site through the incorporation of numerous existing and proposed site design, source control and treatment control best management practices (BMPs), effectively limiting downstream erosion potential through overall reductions in discharge velocity. Please refer to response to comment D7 above, and the project EVRP and HMP, for details of the proposed target and removal strategy for invasive non-native plants, specifically including pampas grass (*Cortaderia selloana*) and other noxious exotic species.

D10 Comment noted.


000310

To: Ms. Allison Sherwood, Environmental Planner
City of San Diego Development Services Center
1222 1st Ave, Mail Stop 501
San Diego, CA 92101
Subject: University city planning group comments on the Salk EIR
From: Linda Colley, Chairperson, University City Planning Group
Date: May 3, 2007

Dear Ms. Sherwood:

Thank you for giving us the opportunity to comment on the Salk DEIR. While there is much that is good in the Salk Institute's DEIR, this report addresses a few issues that our committee has agreed are problematic. Our comments are indicated by bolding. The issues will be taken up in the following order: Acreage and Development Intensity; Parcel Subdivision; Environmentally Sensitive Lands and the MHPA; Project EIR vs. Program EIR; the South Mesa Location for the Day Care Facility; other alternatives. Please contact me if there are any questions about this submission.

Sincerely


Linda Colley
UCPG, Chair

I. Acreage and Development Intensity

E1

1. The UC Plan (p. 165) lists the following for Salk Institute: 26.88 acres, 500,000 SF for Scientific Research. Yet the DEIR (p. 3-16) lists the site at 26.3 acres, or 97.8% of the stated UC Plan acreage. **The DEIR should thus reduce the development intensity proportionately: an equivalent percentage applied to the proposed 500,000 square feet, reduces the development intensity to 489,211 square feet, a reduction of 10,789 square feet.**

E1 Comment noted. A reduction in development intensity due to site acreage is not appropriate, as described in response to comment N32 from Courtney Coyle.

000311

COMMENTS

RESPONSES

E2

2. The UC Plan states (p. 164): "The development intensity allocations . . . are not intended as a development right, but are subject to other considerations such as site and building designing, zoning requirements and other limitations . . ." **The DEIR fails to disclose that the 500,000 SF (or 489,211 SF if the 26.3 acres is correct) is not intended as a development right, but is subject to other considerations as listed in the UC Plan.**

E3

3. While the underlying zone is RS-1-7 (single unit residential), the UC Plan classifies the parcel's use as scientific research within the Torrey Pines Subarea. The DEIR (p. ES-6) states: "Therefore all uses would be consistent with the development regulations for the residential designation." Nevertheless, the DEIR (p. 3-18) states that in order to build the day care center, the Salk Institute is requesting:

- a. An amendment to the existing Conditional Use Permit (CUP), Permit No. 3841,
- b. An amendment to the existing Coastal Development Permit/Hillside Review Permit/CUP No. 90-1140.

In addition, the DEIR states the Salk Institute needs a Master Planned Development Permit "to allow expansion of previously conforming uses in conformance with the land use designation in the University Community Plan". **Please confirm that these include both the temporary housing and the day care center. Please clarify what amendments or other changes are required to allow the temporary housing, and whether attached buildings, as proposed, require any amendments.**

E4

4. The construction of the day care center and the temporary housing on the south mesa would involve very significant environmental impacts that would not occur were one or both built elsewhere on the project site. (The impact of this construction, particularly that of the day care facility, is taken up in greater detail in a subsequent section.) **Given the number of amendments needed to allow these uses, the DEIR should provide overwhelming justification for the location of each of them on the south mesa. Yet the DEIR fails to provide a reasonable range of alternative locations or a full explanation of why NO other alternative to the south mesa is possible for the day care center or the temporary housing.**

E2

As described in response to comment N36 from Courtney Coyle, the applicant requested the maximum allowable development intensity for the site and does not contend that it has a "development right" to 500,000 square feet. The analysis in the EIR analyzes to what extent the proposed project is consistent with the policies of the City, including considerations referenced by the commenter under the *University Community Plan*, as well as the applicable provisions of the SDMC. As described in the Preface to the Final EIR, the applicant has subsequently decided to eliminate the daycare facility and temporary housing quarters from the current application, which reduces the project square footage to 476,000.

E3

The previously conforming uses referenced in the EIR are the scientific research and support uses that exist today, as allowed by the existing entitlements listed on page 3-1 of the EIR. Amendments to existing permits and new permits are required to construct all new buildings on campus as described on pages 3-18 and 3-19 of the EIR.

E4

The EIR is an information document that provides an analysis of the project, as proposed by the applicant, and alternatives to the proposed project where significant impacts are anticipated. Providing an "overwhelming justification" beyond meeting the project objectives, as requested by the commenter, is not required by CEQA and is not an appropriate topic for an EIR. Two of the five alternatives analyzed show the daycare facility on the north mesa. An off-site location for any of the project elements was rejected as discussed on page 8-3 of the EIR. The applicant, however, has subsequently determined that it is more efficient and economical to provide daycare and housing off site and has withdrawn their proposal to construct such uses on site. Revisions have been integrated into the Final EIR. A reasonable range of alternatives is discussed in the EIR, for the various reasons described in responses to comments N24, N33 and N34 from Courtney Coyle.

II. Parcel subdivision

1. Salk is requesting a Vesting Tentative Map (VTM) to divide the parcel into four legal parcels (ES-7, p. 3-16 and Figure 3-8). The DEIR fails to address the fact that this would allow Salk to sell off any of the parcels in the future. This possibility threatens the very basis of the understanding when the people of San Diego voted to donate what was public park land to the Salk Institute specifically for a scientific research institute. Appendix C describes this history:

"Soon after, on April 26, 1960, the San Diego City Council voted to grant the approximately twenty-seven-acre site to the Salk Institute, then known as The Institute for Biology at Torrey Pines.⁴⁷ This followed a public election in which San Diegans voted overwhelmingly to donate the parcel to Salk for the purpose of building a scientific research institute. Six months later, in a hearing dated January 18, 1961, the City signed an agreement with Jonas Salk, conveying a portion of Pueblo Lot 1324 to the Institute with the proviso that the name be changed to the "The Institute for Biology at San Diego." (Appendix C)

The DEIR must fully analyze the legal and public trust issues that would result from dividing the land into four parcels. According to Salk spokespeople, the people of San Diego who voted to donate this land to the Salk Institute for a biological institute would have no say over whether the Institute sold off a portion (or all) of this gift. Nor would the people of San Diego receive any of the profit. The DEIR fails to address these issues.

The DEIR must include a full analysis that includes, but is not limited to the following: what would be legally possible in terms of selling off the parcels, what process the new owners would be required to go through in order to change the uses or intensities, what would happen with the proceeds of the sale, and any other legal, financial or land use issues that the subdivision of the property might entail in either the short or the long term.

In the face of this threat that the gift donated to the Salk Institute could be sold off,

E5 The applicant cannot sell off the parcels of land created by the VTM, for the various reasons described in response to comment N4 from Courtney Coyle. There are no legal or public trust issues associated with subdividing the Salk Institute parcel other than as discussed in the EIR. The reasons for which the applicant is requesting the VTM are stated in the EIR and summarized in response to comment N4. Construction may not occur sequentially, depending on the availability of financing and research opportunities. For this reason, the applicant needs the flexibility to be able to obtain more than one construction loan at a time, which requires subdivision of the property so that separate loans can be obtained on separate parcels.

COMMENTS

RESPONSES

000314

E5
cont.

the DEIR must provide a compelling rationale for dividing the parcel into four legal parcels. The DEIR fails to do this. It states the purpose is construction financing. However, the DEIR also states that the projects will be built out over "several decades" – 30 to 50 years. The DEIR fails to acknowledge that this extended time frame would allow construction loans to be paid off sequentially, thus undercutting the rationale given in the DEIR for subdivision. Moreover, the vagueness of the construction timing given in the DEIR means that there is no substantial evidence that construction financing would in fact be a problem, and if it were a problem, that it would be such an insurmountable impediment that it would justify the risk that this land donated to the Institute by the people of San Diego could be sold off. Moreover, in raising the problem of construction financing as such a major issue for the Institute, the DEIR actually raises the specter of one or more parcel being sold off in the future to help fund either new construction or on-going financial needs. **The DEIR must address all these issues and provide substantial evidence of its need to divide the parcel.**

E6

2. The DEIR states that the VTM would also "vest certain project approvals to facilitate development of proposed facilities over the length of the project build out period (i.e., several decades). This language is far too vague. The DEIR fails to justify why Salk should receive project approvals for projects that would occur over a period that could stretch to 50 years with no further environmental review. **Please list exactly what these approvals are and how they would be justified.**

III. Environmentally Sensitive Lands and the MHPA

E7

1. Of the total 26.34-acre campus, 6.2 acres of land will remain undeveloped, a portion of which will be donated to the City for habitat preservation (Appendix C, p. 51). There are currently .32 acres of MHPA on the project site, and additional MHPA land occurs immediately west of the Salk Institute property boundaries.

The DEIR states that the basic objectives include developing a project that "enhances and expands environmental protection for environmentally sensitive areas on site by

E6

The VTM gives the applicant the vested right to develop the project in substantial conformance with the laws and ordinances in effect at the time the application is deemed complete. As each building moves forward, the City will review the application and make a determination as to whether it is in substantial conformance with the analysis and conclusions reached in this EIR (i.e., the project will undergo the substantial conformance review [SCR] process). If, 50 years from now or at any other time, the substantial conformance determination cannot be made, a supplemental CEQA document would be prepared. The City's SCR process is described in SDMC Section 126.0112. In addition to the approvals listed on page 3-18 of the EIR, the approvals required for further development that would be subject to the SCR process include grading permits and building permits for construction of the individual buildings and other improvements contemplated by the proposed project. See response to comment N6 from Courtney Coyle for further discussion of the SCR process and its application to the project.

E7

The daycare facility and temporary housing are no longer proposed on site and instead the south mesa would remain undeveloped and be placed in a conservation easement, as described in the Preface to the Final EIR. With these project refinements in place, the project would preserve 1.27 acres in the MHPA. Of the 1.3 acres proposed to be added to the MHPA, none are required to mitigate for direct loss of resources on site (see Table 5.3-6 in the EIR). Approximately 0.05 acre is needed to offset area that would be removed from the MHPA by grading and Zone 1 brush management (of which only 0.02 acre is sensitive habitat). Therefore, the Refined Project Design would achieve its objective of expanding environmental protection for environmentally sensitive areas on site by dedicating more land to the MHPA than is required by the MSCP Subarea Plan, improving water quality in the MHPA by adding BMPs to drainage structures, removing exotic vegetation from the site and limiting access to the MHPA through fencing and other structural impediments. See response to comment N26 from Courtney Coyle for further discussion of the MHPA dedication.

000315

E7
cont.

adding land to the City's MHPA." (p. 3-3, p. ES-5) The DEIR states it will add a net 3.22 acres to the MHPA. However, the DEIR should explain that placing the day care center and the temporary housing on the south mesa runs counter to this objective. The DEIR should explain that this is due to the multiple temporary and permanent impacts of these projects on the south mesa, including: the project footprint and construction impacts for each; the need to widen the road from 12' to 26'; the need to add 40 new parallel parking spaces and a fire truck turn around; and the need to conduct brush management regularly around the projects, which would require the regular removal and thinning of native vegetation. The DEIR should clearly state that locating these projects on the south mesa greatly increases the impacts environmentally sensitive areas and decreases the amount of land that could be added to the MHPA.

E8

2. The DEIR misleads the public and decision makers by citing the mitigation required for putting the day care center and temporary housing on the south mesa to tout the environmental benefits of the proposed project. The DEIR thus uses backwards logic: we had to impact the south mesa in order to provide the benefits of mitigation. The DEIR should clarify that in fact, if these projects were *not* placed on the south mesa, far greater environmental benefits of the project would be possible. The DEIR should explain how many acres on the south mesa would be preserved and that in addition, the Salk Institute could make a boundary adjustment to the MHPA and endow its maintenance even if the project does not impact the south mesa.

E9

3. The DEIR should clarify the following statement about the North Mesa Intensified Development Alternative: "Although this alternative would reduce direct project impacts to biological resources (upland habitat) to less than significant levels due to the elimination of grading on the south mesa, significant indirect impacts on the MHPA would still occur, while no increased protection of sensitive upland habitat on the south mesa or vernal pools on the north mesa would occur. Indirect biological impacts would be mitigable under this alternative." (p. ES-14) The DEIR should explain that the North Mesa Intensified Development Alternative would actually result in far more protection of sensitive upland habitat on the south mesa.

E8

The project applicant is no longer proposing to construct the daycare facility and temporary housing quarters on the south mesa; a conservation easement would be placed over the south mesa, as described in the Preface to the Final EIR. Two alternatives feature no development on the south mesa (i.e., Neighborhood Proposed Alternative and North Mesa Intensified Development Alternative). As described in the alternatives section of the EIR, less MHPA would be dedicated on the south mesa under those conditions since the biological mitigation requirements would be much less. Similar to the two project alternatives noted herein, the Refined Project Design's conservation easement on the south mesa would not be shifted to the MHPA because the project's mitigation obligation would be satisfied on the north mesa. See response to comment E7 above and response to comment N26 from Courtney Coyle for further discussion of the MHPA adjustment.

E9

As stated above in response to comment E8 of this letter and in the Preface to the Final EIR more MHPA would not be dedicated if the south mesa remains undeveloped. The land would remain undeveloped but outside the MHPA since the applicant's mitigation obligation could be satisfied on the north mesa (as described on page 8-16 of the EIR). Therefore, the MHPA dedication and habitat management would be less under any alternative that avoids impacts to the south mesa. The additional explanation requested by this comment is unnecessary since the EIR already fully describes the impacts to habitat that would result from the proposed project and each of the various alternatives.

COMMENTS

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- E10 4. Again, the DEIR should similarly correct the misleading implication in the following description of the North Mesa Intensified Development Alternative (p. 8-12):
- "The purpose of this alternative would be to minimize direct project impacts to sensitive biological (upland) project areas." (p. 8-12). It would eliminate development on the southern mesa by shifting the daycare facility and housing units to a location atop the parking structure on the north mesa. This is accurate. However, the DEIR goes on to state (p. 8-13): "the MHPA boundary adjustment would be much smaller in size and would only involve land on the north mesa since less biological habitat mitigation would be needed..." The DEIR should clarify that the MHPA boundary adjustment would not have to be smaller and could in fact include more land on the south mesa.

- E11 IV. Project EIR vs. Program EIR
- The DEIR states that this is a project EIR (Executive Summary). Yet the projects are vague and to occur over "several decades." This is an inappropriate use of a project EIR. Projects that are to occur over such a long period of time require subsequent environmental review. The DEIR should be revised and re-circulated as a Program EIR.

- E12 V. South Mesa Location for the Day Care Facility
- The decision to place a day care center in the pristine south mesa is very problematic. There are several good reasons for Salk to provide day care for its staff. It would help to attract and keep staff, particularly younger staff and female staff who are mothers. It makes for better parenting by reducing the worrying that working parents may have about the welfare of their young children, and may provide convenient access to parents to visit their young children during the day, to breast-feed infants, or to bring home a child who has become sick. A daycare center handy to the workplace should reduce travel overhead, increasing staff productivity. The problem with the DEIR's day care proposal

- E10 Comment noted. Refer above to responses to comments E7 through E9 for clarification of this matter.

- E11 As noted on pages ES-1 and 1-2 of the EIR, this document is a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. As such, this EIR examines all phases of the project, including planning, construction and operation. Because building footprints and massing are currently available for the latter phases of the project and the applicant is proposing Design Guidelines to direct project implementation, which the City extensively reviewed during the application process, the level of project information was appropriate to prepare a Project-level EIR. See response to comment N2 from Courtney Coyle for further discussion of this issue.

- E12 Under established CEQA principles and case law, an EIR must only consider a "reasonable range" of alternatives. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 566, 276 CR 410; *City of Rancho Palos Verdes v. City Council* (1976) 59 CA3d 869, 892, 129 CR 173. The EIR sets forth five different alternatives, two that analyzed the project with no development on the south mesa and three others that analyzed a reduced and/or reconfigured project, as well as the No Project alternative and an analysis of potential alternative locations for the project. This wide-ranging analysis is more than sufficient to satisfy the foregoing standard under CEQA. Further discussion of this matter is contained in responses to comments N24, N33 and N34 from Courtney Coyle.

COMMENTS

RESPONSES

E12
cont.

is that it would destroy a significant part of the south mesa. Salk should look at a wider range of alternative ways to provide day care that are less environmentally destructive.

E13

Deleterious impacts of the south mesa location. There are some significant deleterious impacts of the current proposal that include:

1. The day care building itself has a 12,000 ft.² footprint (DEIR p. 3-4, Table 3-1) that will permanently eliminate native plants and wildlife from this area. **Please clarify if square footage of day care facility includes playground space or not.** This is not stated explicitly in the DEIR.

E14

2. The plan is for a 10,000 square-foot playground (DEIR 3-9). This would also entirely destroy the local native environment that supports it. **Why is this playground planned to exceed the state requirement of 6000 square feet, particularly when the day care program will have a significant number of small and less mobile infants and toddlers?** [It should be noted that the alternative that relocates the center to the north mesa would reduce the size of this playground to 6000 square feet. If a north mesa location were chosen for the day care center, playground space could also be provided in the large area now planned for "turf" or native plants atop the parking structure.] **Please define the term "turf."**

E15

3. The use of construction equipment and testing equipment on the south mesa, if required will destroy more native habitat. During our May 1 tour, it was evident where a large machine had left a path through the vegetation as it moved into the south mesa to drill down (as described by a spokesperson) 200 feet for core samples. Any other testing that is required presumably will leave a similar or larger swath of destruction. **Please describe any future tests that would have a deleterious environmental impact, as well as the consequences of these tests for the local environment. Also please describe anticipated damage to the south mesa caused by construction of the day care facility that is outside the footprint for the building and play area.**

E16

4. A 780 foot linear extension of Salk Institute Road would be constructed to provide access to the day care facility and temporary housing quarters (DEIR, 3-16.) The existing

E13 The daycare facility is no longer proposed by the applicant; see the Preface to the Final EIR.

E14 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E15 The disturbance observed in the field was associated with geotechnical testing required for the fault study and slope stability analysis required by City staff for the EIR analysis. That disturbance was analyzed in a separate CEQA document prepared for the Site Development Permit (SDP) required for that testing (SCH No. 2004121122). As stated in that analysis, the route taken to access the boring site and the boring site itself were sparsely vegetated and caused less than 0.1 acre of impact on both the north and south mesas combined. Any future testing would have to occur within the footprint of project impacts defined in the EIR. Because the proposed project has changed, no geotechnical testing will be needed in the future on the south mesa.

E16 Development is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

COMMENTS

RESPONSES

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E16
cont.

12-13 foot road would be doubled in width toward the residential area to the south increasing in width to 26 feet, and depressing the road's height. **Will construction of the temporary residences alone, assuming that the day care facility is sited elsewhere than the south mesa, require the same widening and depression of the existing Salk Institute road?** Construction and the lowering of the road will require removal of a large quantity of soil. This will directly impact the mesa, and will create traffic by large trucks to cart away this soil. **The DEIR (in the Growth Inducement section 6-1, page**

E17

6-2) erroneously states that the project would not require the expansion of any roads. It also states that the development of the site would not open up a new area to construction since there is little or no undeveloped land in the vicinity. The reality is that the entire south mesa, approximately 8 acres, is undeveloped.

E18

5. We learned on a tour of the site on May 1, 2007 that there would be an additional paving of the area adjacent to the day care center to accommodate 26 parking spaces (another 14 parking spaces would be allocated to the temporary residences) for perpendicular parking as well as a fire engine turn around (described in DEIR, page 3-9) This would destroy another 18 foot swath of native habitat. **It was asserted that this additional paving was required by state regulations; please detail the relevant California day care regulations.**

E19

6. Direct negative impacts to the south mesa will include:

- a. Loss of native vegetation and resident species,
- b. Increased runoff from the increased pavement square footage,
- c. Aesthetic impacts-the day care center will be constructed into a depression so as not to impact the world famous view, however the facility will be visible from some of the offices housing staff and labs. A local resident reported that she heard from Salk staff that they are unhappy about the impact that the day care center will have on the south mesa. Salk should ensure that aspects of their plan to enhance the institute's capabilities do not have the counter productive effect of demoralizing the Salk staff. **Salk should assess staff sentiment about this south**

E17 No public roads would be expanded by the Refined Project Design, therefore, these comment: are not applicable. Nonetheless, language on page 6-2 of the Final EIR has been clarified to reflect that the proposed project "would not require expansion of any public roads".

E18 Development is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E19 The proposed project has been modified so that no direct impacts would occur on the south mesa, as described in the Preface to the Final EIR. These comments are not applicable to the Refined Project Design.

- E19
cont. mesa location for the day care center. Any objections by staff to a proposed approach should be taken into consideration in assessing alternatives.
- E20 7. There are also will inevitably be impacts to the residential neighborhood that abuts Salk Institute Road (e.g. construction noise from widening/depression of road, traffic noise, increased traffic noise, aesthetics, playground noise, impact on local birds and other wildlife, impacts of the retaining wall etc.)
- E21 a. The parcel is zoned RS-1-7 residential -the purpose of RS zones is to promote neighborhood quality, character and livability (DEIR 5.1-15). **Therefore a CUP is required that must analyze and mitigate consistency with adjacent uses. The DEIR fails to conduct this analysis but concludes there will be no impact,**
- E22 b. The City's General Plan and the UC Community Plan similarly require that industrial land uses be compatible with adjacent non-industrial uses (DEIR 5.1-15). **Salk should elaborate how the proposed day care facility satisfies the City's General Plan and the UC Community Plan.**
- E23 c. Master PDP criteria include that the design be comprehensive and demonstrate relationships of the proposed development on-site with existing development off-site (DEIR 5.1-19). The scale of the project as well should be consistent with the neighborhood scale. **The DEIR should show sections of the elevations of the neighbor's residences together with the proposed south mesa developments.**
- E24 d. There is a 250 foot long retaining wall proposed along Salk Institute Road (ES-9). In Courtney Coyle's scoping letter (dated December 7, 2004, page 7), it was suggested that the effects of this wall on the operation of neighbors' gates, condition of their plantings, fencings, walls and soil stability should be studied. **The DEIR should analyze and report these effects if any. They should be included in the assessment of the south mesa location for the day care center Versus alternatives.**
- E25 e. Salk had earlier prepared visual simulations from a few of the homeowner's parcels. But such simulations did not appear in the DEIR even though the DEIR asserts conclusions regarding significance (DEIR 5.2-4). **Salk must prepare**

- E20 Development is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.
- E21 The CUP amendment is listed as a discretionary action required for project approval (see page 3-18 of the EIR). The EIR analyzes all impacts of project construction and operation so the decision-makers will be informed when they make a decision on the CUP amendment. As noted in earlier responses, development is no longer proposed on the south mesa under the Refined Project Design.
- E22 The daycare facility is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design. The Industrial Element of the University Community Plan contains a policy encouraging industrial lands that are compatible with adjacent non-industrial uses. An analysis of the policy is provided in Table 5.1-1 of the EIR (see page 5.1-59). That analysis determined that the project as a whole, would be consistent with the policies. This conclusion applies to the Refined Project Design as well.
- E23 Sections and elevations from the private residences to the south would not reflect any publicly accessible vantage point that the City policies would be concerned with. The neighborhood character analysis is adequately supported by the photographs and analysis provided in the EIR, without providing such sections or elevations. Because development is no longer proposed on the south mesa by the applicant, this concern by the commenter is no longer relevant.
- E24 Because development is no longer proposed on the south mesa, the retaining wall noted in this comment will not be constructed and these comments are not applicable to the Refined Project Design.
- E25 Visual simulations from the private residences south of the property are not provided in the EIR because the City significance criteria address potential impacts to public viewsheds, not private views. Views from those homes are not designated view corridors that are publicly accessible.

000319

COMMENTS

RESPONSES

E25
cont. updated visual simulations of the project's impact to residential neighbors
(as requested in the scoping comments.)

Educational and security justifications for the south mesa location.

Educational arguments.

1. An argument has been made for the "educational opportunities" of the south mesa location for the day care center relative to a north mesa location (DEIR, page 8-13.) But these advantages appear to be questionable upon examination for the following reasons:

a. Certainly infants and toddlers, and most preschoolers would be too young to be beneficially exposed to the ecosystem on the south mesa (or the north mesa for that matter). Also, "field trips" or walks in this area might expose the children to rattlesnakes or harmful insects or plants. (The rattlesnake danger should also not be discounted for the 12,000 square-foot playground that is planned.) **The DEIR should present in some detail the anticipated age groupings in the day care center, how these children would benefit from a hands-on ecological curriculum, and how they would be protected from dangers inherent in the natural environment.** It seems unlikely that provisions could be made for their safety without having a ratio of at least one staff member for each child. This would be greatly in excess of State staffing requirements. **Please detail staffing requirements with reference to state day care requirements, and how much additional staffing would be required for a hands-on curriculum to be conducted safely.**

b. The aesthetics/view inherent in the south mesa location may well be irrelevant to small children, though not to staff or parents. *In contrast, it will diminish the aesthetics from some staff and residents perspectives.* **Please describe how the south mesa location would be superior to a north mesa location from the standpoint of aesthetics, and how it would benefit children and the day care program.**

c. To the extent that the natural environment might be presumed to be useful in a south mesa location, there is no reason to think that it would not be similarly useful if the day care center were located in a north mesa location. This natural environment could be

E26 Development is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E27 Development is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E28 Development is no longer proposed on the south mesa by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E28
cont.

equally accessible from a north mesa location. **The DEIR should compare the south and north mesa locations for all alternatives with respect to their educational usefulness.** It seems very unlikely that any real difference could be established.

Safety arguments.

E29

1. The DEIR (8-13) sites safety as one of the advantages of the south mesa location. The DEIR elaborates on the reduced traffic on the Salk Institute Road to the proposed day care center and temporary residences. In contrast, the North Mesa Intensified Development alternative would place the day care center on a busier road. However, most private day care centers or preschools in La Jolla are located near public roads, or have sidewalks next to them with public pedestrian traffic. Arguments may be made that a busier location would increase or decrease the security for a child care center. **The DEIR should explain why the south mesa location is superior to the north mesa location for the day care center to be safe and secure.**

E30

2. Also, as discussed above, individuals have observed rattlesnakes on the south mesa. They are described in the DEIR as likely species to appear (DEIR, page 5.3-11). Interestingly, the DEIR lists only the Northern Red Diamond Rattlesnake and not the more commonly occurring in this area, Southern Pacific Rattlesnake. The DEIR presents no analysis of the risk of rattlesnake bites to children in the south mesa playground or on "field trips" on the south mesa. **The DEIR should present an analysis of these risks and include such risks in assessing the south mesa facility versus alternatives.**

E31

3. The DEIR (8-13) also criticizes the north mesa location as compared to the south mesa location, because children in the center would be exposed to emissions and noise from the parking garage. It seems likely that these effects could be mitigated or eliminated by proper ventilation and soundproofing. **The DEIR should analyze and present the cost consequences, if any to mitigate or eliminate this potential problem, if any.** It must be noted that other north mesa design alternatives that we discuss in the next section would not locate the day care center a-top the parking garage. **The DEIR must consider**

E29 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIF' and these comments are not applicable to the Refined Project Design.

E30 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E31 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

COMMENTS

RESPONSES

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E31
cont.

more than just the single alternative presented for a north mesa location for the day care facility, to fairly consider safety differences between south mesa and north mesa locations.

E32

4. The DEIR states that an off street drop-off area required by the day care facility would not be provided by a north mesa location (DEIR, Page ES-15). **The DEIR must consider other alternatives for north mesa locations, and should be more specific about State requirements for day care drop off and pickup.** The DEIR also asserts that drop-off and pickup and staff parking would be relegated to the parking structure. It is not clear why this is a significant problem, or whether an alternative approach to drop-off and pickup might be possible. **Please describe the reasoning behind this assertion.** The danger of considering only one alternative for a north mesa of day care location, is that this single North Mesa Intensified Development Alternative design becomes a strawman that the DEIR knocks down. **The DEIR must consider other alternative designs for the north mesa day care location than just the North Mesa Intensified Development Alternative.**

E33

5. The DEIR claims that the north mesa location would reduce the playground area by 40% (DEIR, page 8-13) from 10,000 ft.² to 6000 ft.². In This would not be true for alternative designs e.g. if the day care center were incorporated into the existing community center plan, and the playground were located a- top parking garage. Again, **the DEIR must consider alternative designs for the north mesa location.**

VI. The DEIR Is Deficient in the Presentation of Alternatives.

E34

1. **Alternative location for day care (off-site).** The section (DEIR 8-3) that considers an off-site alternative does not include the possibility of locating a subset of the proposed uses, or possibly even a single facility like the day care center or the temporary housing, off campus. **The scoping letter proposal to consider an off- site implementation of a subset of the proposed uses, should be implemented** (scoping letter dated December 7, 2004, page 6.) For example, in other cities, nonprofit institutions have successfully

E32 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E33 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design. With regard to the asserted need for consideration of additional alternative designs, see responses to comments E12 and E31 above; E34 through E40 below; and N24, N33 and N34 from Courtney Coyle.

E34 The applicant has researched the availability of daycare in the vicinity of the Institute, including at UCSD, and determined that there may be offsite daycare alternatives that would satisfy the needs of their employees. For this reason, the Refined Project Design is now proposed (as described in the Preface to the Final EIR).

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E34
cont.

partnered to offer day care services. This has the effect of spreading the cost, ensuring that the day care slots are filled, and providing resources to the day care center from the cooperating institutions. **Salk should pursue the possibility of partnering with UCSD, which has plans to greatly increase its day care capacity, or other institutions or employers in the area.¹** It was reported during May 1 meeting with Salk that UCSD, with plans to expand to 250 slots, could offer only 10 slots to Salk. **Salk should re-approach UCSD about a joint day care venture, and should also seek out opportunities with employers in the area who are considering offering day care, or expanding existing day care capabilities, then report on the results of this inquiry.** When the cost to build an on-site day care facility is factored in, there may well be an advantage to seeking these services off-campus but in the immediate neighborhood. Or a joint venture on the Salk campus, might obtain additional funding that would make development of a Salk on-campus day care facility more cost-effective.

E35

2. Alternative location for temporary housing (off-site)

There are a large number of condominiums available for rent or purchase not far from the Institute. **The DEIR should address alternative methods of providing temporary housing. The DEIR must provide a financial analysis of the costs and benefits of leasing, renting or purchasing temporary housing off-site versus building temporary residences on-site.**

E36

3. North Mesa Intensified Development Alternative for a Day Care Facility. This alternative eliminates the destructive biological impacts that inhere in a day care facility located on the sensitive south mesa area.

- a. The current plan (described starting on DEIR page 8-12, and figure 8-2) would make no changes to the location of the community center (117,000 square fee), or the planned parking structure. But it would locate the day care center and playground, and the 12 residential units, on top of the parking structure. The parking structure would have to be upgraded to support these buildings, and the

¹ It is likely that UCSD could provide work-study students, or students from the developmental psychology program to act as a resource or to assist the day care center's staff. This would be facilitated by having day care located on the UCSD campus.

E35 The applicant has determined that continuing to provide off-site housing to visiting researchers is the preferred solution over constructing housing quarters on site. For this reason, the Refined Project Design is now proposed and no housing would be constructed on site (as described in the Preface to the Final EIR).

E36 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

COMMENTS

RESPONSES

E36
cont.

"park-like landscaped open-space" would be sacrificed. Discussions with Salk on May 1, suggested that this re-engineering of the parking structure would be a major cost driver of the project. **The DEIR should provide details about the engineering changes and their cost consequences.** There may be other approaches to locating the day care center in the north mesa that would be more feasible. **The DEIR should investigate alternative approaches to the North Mesa intensified development alternative, or if alternative approaches have already been investigated, they should be presented as alternatives in the DEIR.** For example:

E37

b. Only build the day care center on the parking garage. If the temporary residences (totaling 12,000 ft.²) were left in the south mesa, then only the weight of the day care center would have to be supported by the parking garage. The weight of the playground would be negligible. **The DEIR should compare costs and engineering issues to build the parking garage for no facilities on top, both day care center and residences on top, only day care center on top.** It seems likely that a single story day care center would weigh quite a bit less than would two-story residences thereby substantially mitigating any cost driver effects associated with building on top of the parking garage.

E38

c. Incorporate the day care center into the community center. The day care center would represent only about a 10% increase in the footprint of the community center. It would seem quite feasible to incorporate it into the community center as now planned in its present planned location (ES-13), without significantly impacting the design of the community center, the sightlines etc.. The proposed project would build the Community Center building in phases (p. 3-7). **The DEIR fails to explain why the day care center could not be built as part of this building in an early phase.** This would accomplish the Salk Institute's stated goal of building the day care center sooner and would negate several of the arguments against the North Mesa Intensified Development Alternative. (It would mean the day care center could be built before the expensive underground parking

E37 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E38 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

000324

E38
cont.

and would not place the day care facility directly on the parking garage. The playground could easily be placed on top of the parking garage without increasing the load factor, while allowing some of a landscaped natural garden to be preserved. This native Plant Garden could be secured to permit the hands-on day care curriculum activities. The playground also should be less likely to attract rattlesnakes, than it would if located in the middle of the south mesa.)

E39

Furthermore, the DEIR fails to discuss the advantages of having the day care center as part of the Community Center building. It would be easily accessible to parents during the day (nursing mothers would have easy access to their children and parents could easily have lunch with their children). Furthermore, the DEIR fails to note the uncertainty of Salk's commitment to providing day over the next 50 years. Day care is not part of the Salk Institute's core mission, and can be an expensive and complex benefit to provide to employees. Should the Institute decide not to continue this service, the day care center facilities located at the Community Center could be readily revamped for other uses.

E40

d. Consider other locations for the day care center on the north mesa.
At a meeting on May 2 resident Joe Wong, a highly regarded local architect presented an architectural drawing that located the day care center at the far western tip of the North Mesa. He claimed that this layout left the historical view lines intact. There are other talented architects who live in La Jolla and who could make available pro bono designs to incorporate the day care center into the North Mesa effectively. Salk should be open to considering these alternatives. At the very least, they should be entertained as comments to the DEIR. **The DEIR should not be limited to a single approach to locating the day care center on the North Mesa. Other feasible alternatives should be solicited, and analyzed.**

E39 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

E40 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

0000625



NATIONAL TRUST
for HISTORIC PRESERVATION

May 7, 2007

Allison Sherwood
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
DSDEA@sandiego.gov

Via email and U.S. mail

Re: Draft Environmental Impact Report for Salk Institute Master Plan,
10010 North Torrey Pines Road, La Jolla, CA; Project No. 44675

Dear Ms. Sherwood,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Salk Institute Master Plan. The national and international historical and architectural significance of the Salk Institute campus in La Jolla demands the most rigorous standards in analyzing plans to alter or expand the science facility. The comments below are intended to assure a comprehensive analysis and review of the proposed project under the California Environmental Quality Act (CEQA) and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The National Trust for Historic Preservation is a private, nonprofit membership organization dedicated to protecting the irreplaceable. Recipient of the National Humanities Medal, the Trust provides leadership, education and advocacy to save America's diverse historic places and revitalize communities. Its Washington, DC headquarters staff, six regional offices, and 29 historic sites work with the Trust's 270,000 members and thousands of local community groups in all 50 states, including over 24,000 members in California alone.

Level of CEQA Review

The Draft Environmental Impact Report (DEIR) states that the report functions as a Project EIR and provides project-specific analysis of the proposed project. However, the DEIR also states that portions of the information presented are conceptual, and that the proposed project will be completed in phases over several decades. Given the substantial period of time proposed for completion of the majority of the Salk Institute Master Plan project and the lack of detail provided for some elements of the project, it would be unwise to give blanket approval to the project as currently presented. Based on

Protecting the Irreplaceable

Western Office National Trust for Historic Preservation

(415) 947-0692; Fax (415) 947-0699

<http://www.nationaltrust.org>; E-mail: wro@nthp.org

The Hearst Building, 5 Third Street, Suite 707, San Francisco, CA 94103

F1

F1 A project EIR is appropriate for this project as described in response to comment N2 from Courtney Coyle. The City of San Diego has a process defined in the San Diego Municipal Code (SDMC) as Substantial Conformance Review (SCR) wherein future elements of a project, such as building permits, must be deemed in substantial conformance with past approvals before it can proceed. Should any of the assumptions or environmental circumstances contained in this document change at some point in the future when the latter phases of the proposed project are implemented, the City would have the discretion through the SCR process to require subsequent environmental review if necessary per Section 15162(c) of the State CEQA Guidelines. Detailed drawings have not been submitted to the City for the greenhouses and Salk Community Center because their funding has not been secured and any permits obtained as part of the current entitlement process could expire before they are funded and the applicant is ready to build them. For this reason, a phased approach to site development is proposed.

000326

F1
Cont.

the information and timeline provided in the DEIR, it appears that a programmatic environmental document subject to future tiered environmental review would be more appropriate, allowing for more specific review at a date closer to the actual construction of components of the master plan project. This position is supported by the need for the applicant to request a Master Planned Development Permit from the City of San Diego, rather than a Planned Development Permit. The Master Planned Development Permit allows conceptual development proposals for portions of a development site intended for future or phased development, but requires future review of such elements for conformance when they are ready for construction.¹ The same level of environmental oversight for a property with the import of the Salk Institute should be carried out under CEQA.

Project Objectives

F2

The applicant states that one of the project objectives is to develop a project that, "Allows the Institute to develop new and expanded scientific research facilities and reach its 500,000 square foot capacity on site."² The need for 500,000 square feet of total space is cited in several alternatives analyses ("Reduced Project" and "East Parking Lot Avoidance") as a reason why alternatives that avoid impacts to historic resources are rejected by the applicant. This project objective appears unnecessarily restrictive and inflexible, and the project objectives should be redefined to require meaningful consideration of environmentally superior alternatives that may not meet the applicant's desired expansion plans.

Use of Design Guidelines

F3

The application proposes to use design guidelines to guide project components that are conceptual at the time of the filing of the DEIR and to assist in acquiring approvals from the City of San Diego (City) for future building and site development permits. The applicant also cites the design guidelines as being the document against which substantial conformance review for the Master Planned Development Permit will be measured. However, the scope of the design guidelines was only generally described in the text of the DEIR, and no specific guidelines were circulated with the document for public review or comment. Considering that the applicant is requesting no further review of conceptual master plan components under CEQA, it is imperative that decision making bodies and the public have the full text of the design guidelines in order to understand impacts and mitigation to historic resources and cultural landscapes.

Alternatives Analysis

F4

As acknowledged in the DEIR, the proposed project violates two of the ten Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings. The construction of the Torrey East Building on the existing East Parking Lot removes a contributing element from the Salk Institute campus, a resource listed on the California Register of Historical Resources and was determined eligible for listing on the National Register of Historic Places by the California State Historic Resources Commission and SHPO, and alters an important spatial relationship within the campus. The two alternatives included in the DEIR that would reduce or avoiding this impact, the Reduced Project Alternative and the East Parking Lot Avoidance Alternative, are rejected by the applicant because they do not meet the applicant's desire to develop its maximum 500,000 square foot allowance on the project site. This consideration is not sufficient to reject these

¹ San Diego Municipal Code §143.0480 (a, b, c).

² Salk Institute for Biological Studies, Draft Environmental Impact Report: Salk Institute Master Plan, La Jolla, CA; March 2007, p. 3-2.

F2

The Salk Institute desires to secure the maximum square footage entitlements it can for the property because it is their only location in San Diego and it must be able to accommodate all future growth at the facility. However, the Refined Project Design would reduce the current application request from 500,000 sf to 476,000 sf, which is consistent with main project objective of developing scientific research space in accordance with the *University Community Plan*. This project objective has been modified in the Final EIR to remove reference to the 500,000-sf capacity as it pertains to the current Master Plan. It should be noted, however, that although the Refined Project Design described in the Preface to the Final EIR would preclude development on the south mesa, the applicant could decide in the future to pursue entitlements for up to 24,000 additional sf of scientific research space elsewhere on the site in accordance with the development intensity allocated to the property in the *University Community Plan*. Although not contemplated at this time, any future entitlement proposal would be subject to additional CEQA review.

F3

The Design Guidelines were on file with the City during public circulation of the EIR, which would normally last for 45 days, but which was extended to 59 days at the request of the University Community Planning Group. A copy could have been requested of the City during the public review period for the EIR (March 22 – May 7, 2007). Copies of the Design Guidelines can be obtained by members of the public from the City and will be provided to the City decision-makers prior to the hearing process. Potential impacts and mitigation to historic resources and cultural landscapes are addressed in the Historic Resources Technical Report prepared by Page and Turnbull (see Appendix C to the EIR) and summarized in Section 5.4 of the EIR.

F4

Two of the five alternatives considered in detail (i.e., the Reduced Project Alternative and the East Parking Lot Impact Avoidance Alternative) allow the Institute to avoid impacts to historic resources. It should be noted first that the size of the Reduced Project Alternative and the East Parking Lot Impact Avoidance Alternative was not the only grounds for rejecting these two alternatives. The Reduced Project Alternative was rejected because it would not fully avoid potentially significant impacts to historic resources, cumulatively significant traffic impacts and other significant impacts of the proposed project, including biological resources, noise and paleontology, and would not provide centralized support facilities nor provide sufficient research space to satisfy the future needs of the Institute (see page 8-13). Similarly, the East Parking Lot Impact Avoidance Alternative was rejected not just for its smaller square footage but because it would not eliminate significant and unmitigable traffic impacts, would create new impacts to parking, would not provide centralized facilities and would not provide sufficient research space to satisfy the future needs of the Institute.

COMMENTS

RESPONSES

F4 cont.

It should be noted also that CEQA allows the lead agency not to consider alternatives that fail to implement the most basic project objectives. (*Save San Francisco Bay Ass'n v. San Francisco Bay Conserv. & Dev. Comm'n* (1992) 10 Cal 4th 908). By way of clarification, maximizing the intensity of use at the project site is a basic project objective because it provides the space necessary to satisfy the future needs of the Salk Institute—including providing sufficient research space, living and day care facilities to attract world class researchers to the Institute. The applicant merely desires to make the best use that it can of the site since it is the only property it owns. Case law such as *Preservation Action Council v. City of San Jose* is not applicable to this project, since the applicant is not trying to specify a predetermined square footage, but is merely attempting to make the most efficient possible use of its research space within the existing limit.

It is appropriate for the EIR discussion of alternatives to compare the degree to which the proposed project and the proposed alternatives cause significant impacts to the environment and meet the project objectives. Indeed, CEQA Guidelines Section 15126.6(a) states that "[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (emphasis added). Therefore, the failure of the Reduced Project Alternative and the East Parking Lot Impact Avoidance Alternative to provide adequate space for the research and support facilities needed to attract world-class researchers to the Salk Institute is a key factor in the evaluation of the merits of these two alternatives, and means that neither would meet a basic project objective, making them both infeasible on this basis.

000328

F4
Cont. alternatives, as upheld by recent California case law regarding CEQA.³ More rigorous and serious consideration should be given to alternatives that avoid impacts to historic resources.

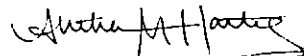
Project Impacts to Historic Resources and Mitigation Measures

F5 The applicant proposes to replace the existing East Parking Lot, a contributor to the California Register-listed Salk Institute campus, with the Torrey East Building laboratory and reception facility. The proposed construction of the Torrey East Building will destroy the current spatial relationship between the 1965 laboratory complex and North Torrey Pine Road, further separating the complex from the public access point and impacting views of the facility from the east. The proposed building will also replace a contributing spatial and landscape element to a resource listed on the California Register and eligible for the National Register.

F6 The DEIR acknowledges that construction of the Torrey East Building is a significant impact under CEQA, however the impact analysis and mitigation measures proposed for the impact are insufficient and incomplete. While the DEIR addresses mitigation for the removal of natural landscape elements, such as trees, around the East Parking Lot, the document fails to offer sufficient mitigation for the spatial relationship being altered by the presence of the proposed Torrey East Building. It is arguable that the destruction of this relationship is a significant, inmitigable impact, a fact not acknowledged in the impact analysis. The DEIR and historic resources technical report note that a 1962 master plan drawing for the Salk Institute by Jonas Salk and Louis Kahn labels the East Parking Lot as "reserved for future development;" however, no copy of the plan, citation, or other meaningful discussion is given regarding this critical element of the original vision for the Salk Institute site.

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Salk Institute Master Plan Project in La Jolla. Please continue to consider us a very interested party and feel free to contact me at (415) 947-0692 or anthea_hartig@nthp.org or Program Officer Elaine Stiles, elaine_stiles@nthp.org, should you have any questions.

Sincerely,



Anthea M. Hartig, Ph.D.
Director
Western Office

cc: M. Wayne Donaldson, FAIA; California State Historic Preservation Officer
Dr. Diane Kane, Ph.D.; San Diego Planning Department, Historic Resource Board
Milton Phegley, Director, Community Planning; University of California, San Diego
Bruce C. Coons, Executive Director, Save Our Heritage Organisation
Dr. Lauren Weiss Bricker, Ph.D.; California State Polytechnic University, Pomona
Susan Brandt Hawley, Esq.; Brandt-Hawley Law Group
Courtney Ann Coyle, Esq.; La Jolla, CA

³ Preservation Action Council v. City of San Jose and City of San Jose City Council (Aug 4, 2006) Cal.App.4th

F5 Although the east parking lot was identified as a "contributing feature" to the Salk campus in the National Register nomination, only the lot's landscaping (i.e., Chinese fringe trees) was named as significant in the sections of the nomination that discuss the parking lot. Additionally, as stated on page 56 of the Historical Resources Technical Report (included in Appendix C to the EIR), the nomination named the "four basic landscape components" identified by Roland Hoyt as the courtyard, site perimeter plantings, an extant eucalyptus grove that predates the Institute, and the native coastal bluffs—they did not include the east parking lot landscaping. It is the opinion of City staff that removal of the east parking lot is adequately addressed and mitigated through 1) the compatibility of the proposed structure with the historic site, combined with the atrium design of the Torrey East Building that was presented to the Design Assist Subcommittee of the City's Historic Resources Board; 2) the planned salvaging and replanting of the Chinese fringe trees along the proposed Torrey East Building; and 3) the restoration of as much of the Institute's original perimeter plantings as possible. The two-story atrium would provide a connection from the public street/sidewalk through to the west, sufficiently retaining the existing visual and axial connections with the historic structure and courtyard and has been added to the Final EIR as mitigation measure 5.4-3 for clarification. Although the proposed project would not significantly obstruct existing views, it is important to note that existing grade differences and dense perimeter landscaping designed by Kahn and his team prevent a clear view of the Kahn laboratory building and its courtyard from the east. The relatively low profile of the building, and the transparent atrium on axis with the central court would still allow for glimpses of the original laboratory building to be obtained from North Torrey Pines Road, as discussed in the Historical Resources Technical Report. As illustrated in Figure 5.2-16 of the EIR, the current view to the west from the sidewalk of North Torrey Pines Road is obstructed by perimeter and interior plantings, including Chinese fringe trees in the east parking lot. Views of the courtyard itself are virtually nonexistent from the travel lanes of North Torrey Pines Road, with the existing eucalyptus trees within the interior of the campus providing significant visual cover of the two wings of Kahn's laboratory building.

Furthermore, written evidence suggests that a west-facing public view corridor, or full visual access to the public, was not the intention of the Salk or Kahn; as noted on page 14 of the Historical Resources Technical Report (Page & Turnbull 2007), the laboratory complex was deliberately modeled after the inward-facing monastery of St. Francis of Assisi. According to the book by James Steele, *Salk Institute: Louis I. Kahn (Architecture in Detail)* (London: Phaidon Press, 1993), it was the intent of Salk to create a physically secluded, "monastic" community at the Institute—hence the deliberate siting of the Institute at what was, in the early 1960s, a remote location outside of a major city—akin to the monastery at Assisi. Both the monastery and the Institute are oriented toward the inside, away from the outside, yet not wholly removed. The October 1993 edition of *Progressive Architecture* gives further evidence to support Salk's desire for seclusion at the Institute, stating that Salk had visited the monastery at Assisi in 1954 and later told Kahn that he "wished to replicate in the labs a sense of the cloister."

000329

COMMENTS

RESPONSES

F5 cont.

Please see Revised Exhibit A that has been added to the Final EIR (Figure 5.1-1a), an illustration of the 1962 amendment to the Master Plan drawing, which was Kahn's third and final design for the Institute, and which he presented to Jonas Salk in July of that year. This exhibit demonstrates that Kahn did in fact intend for development to occur in the general area of the east parking lot, but that such development was deferred until the "future" due to lack of funding in the early 1960s. As discussed on page 63 of the Historic Resources Technical Report, because Kahn had earmarked this area as appropriate for future development in the original Master Plan, the impact resulting from construction of the Torrey East Building is not as severe as it could be if the building were planned for another area of the campus where future development was not intended. The existing spatial relationships on site including those in and around the east parking lot, therefore, are not fully indicative of Kahn's long-term vision for the site.

F6 Please see response to comment F5, above, and Figure 5.1-1a (added to the Final EIR), illustrating the 1962 amendment to the Master Plan drawing, referred to by the commenter.

000330



San Diego County Archaeological Society, Inc.

Environmental Review Committee

30 April 2007

To: Ms. Allison Sherwood
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
Salk Institute Master Plan
Project No. 44675

Dear Ms. Sherwood:

I have reviewed the historical resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR, historic resources technical report, and cultural resource survey report for the project, we have several comments on the impacts to and mitigation for archaeological resources.

The cultural resource survey report, apparently based on negative results in two previous instances on the property, called for no mitigation measures for archaeological resources. However, the DEIR has properly specified an archaeological monitoring program for the project. We fully support that decision. Still, there are several necessary modifications to the mitigation measures specified in Section 5.4 of the DEIR:

- G1
- In both Subsections 5.4-5(A) and 5.4-9(A), it needs to be made clear that a sufficient number of monitors must be on site full time to ensure that all grading work is monitored. Particularly given that construction activities will be taking place in fairly widely-separated locations, the required level of monitoring may not occur otherwise.
 - In Subsection 5.4-6(B), the release of the grading bond needs to also be dependent upon confirmation of curation of recovered archaeological material.
 - In addition to areas being graded, trenching for utilities and excavation for new landscape plantings also need to be monitored, as does any new geotechnical testing.

- G2
- As the City is aware, the Torrey Pines-Mesa area has a high cultural sensitivity. These changes to the specified historical resources mitigation measures will help ensure any remains on the Salk Institute property are given the respect they deserve.

- G1 The various elements of the proposed Master Plan will be implemented in phases over a 40- to 50-year period of time. If grading schedules overlap, monitors will be assigned to each project element by the City to ensure adequate monitoring is conducted. The grading bond will be released in accordance with applicable City of San Diego rules and policies. The City does not agree that monitoring is needed for utility line trenching, landscaping and certain geotechnical work (such as borings) given that past surveys and grading monitoring have been negative.
- G2 Comment noted. These changes are not needed as described above in response to comment G1 to this letter.

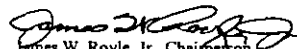
COMMENTS

RESPONSES

000332

Thank you for affording SDCAS this opportunity to participate in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Kyle Consulting
SDCAS President
File

CARMEN LUCAS

P.O. Box 773
Pine Valley, California

22 April 2007

Cathy Winterrow
Senior Planner Planning Division
Planning Department, 202 C Street, MS4A,
San Diego, California 92101

Subj: SALK Institute SB-18 site visit 12 April 2007
Encl. Photographs

Dear Cathy:

Clint Linton of the Santa Ysabel Indian Reservation and I met on site with Cathy Winterrow, Beth Murray of The City of San Diego, and Garry Van Gerpen Senior Director Facility Services SALK Institute, and John Ponder of Sheppard Mullin Richter & Hampton LLP Attorneys at Law. My observations and concerns are as follows:

- H1 1: Consultation late - should be done before DEIR is out, City must still develop its own general SB-18 consultation protocols in consultation with tribes.
- H2 2: Inappropriate by not advising me before hand that their attorney would be present so that I would have had the opportunity to insure that my attorney could have been present as well. (As I remember this man made me uncomfortable as he did not interact and if my memory serves me said very little to me) Mr. Gerpen on the other hand was friendly and willing to share information.
- H3 3: Both Clint and I have surveyed more difficult environments. Where I do not speak for Clint, he and I did discuss the lay of the land and the Kyle

Rec'd *Elzabet*
ccw

- H1 Government Code Section 65352.3 requires local governments to consult with tribes prior to the adoption or amendment of a General Plan or Specific Plan proposed on or after March 1, 2005. Because the project application was deemed complete before the March 1, 2005 and the project does not require amendments to the General Plan or a Specific Plan, the City did not initiate a consultation prior to initiating the CEQA work. A SB 18 consultation was, however, requested in November 2006 when the City made the determination that the Multiple Habitat Preserve Area (MHPA) boundary adjustment would result in a change in open space designation on site that could be of interest to the Native American community. The EIR was released for public review in March 2007 and preliminary input from the tribe consultation was included in the report (see page 5.4-9). It should be noted that the SB 18 consultation process is independent from the CEQA review process. SB 18 consultation decisions are made on a project-by-project basis for project applications submitted since March 1, 2005.
- H2 Comment noted. The applicant's attorney did not intervene at the meeting because City staff and the applicant were fully capable of responding to the information requested.
- H3 Comment noted. These observations are contained in the Archaeological Study, Appendix C to the EIR.

000333

COMMENTS

RESPONSES

- H3
Cont. Archeological Survey report, which states that ground visibility was poor, and the canyon was too steep and unsafe to conduct an Archeological survey.
- H4 4. One of the things I did note in the canyon was an Arroyo Willow. I had a plant leaf identified and was advised that it is indigenous to the area and is a Medicine plant that more than likely was used by the indigenous peoples of the area. Additionally, it is most generally known that willows grow in wet areas. Where I did not get down and disturb the soil at the root area of this Willow, I would believe that if not at the surface there is natural water close to the surface. As you have heard me say more than once it is the belief of my people that the Spirit Lives in the water, add the many positive aspects to the benefits of a natural water source and one is left with many of the reasons that we look upon such places as sacred and continue hold those places in reverence. Based on just the above with the rich Pre-History that is along the cliffs of Torrey Pines and continues in to La Jolla and beyond, it would seem to me that a new complete Archeological survey with testing to include testing east of the pump house with the presence of Native American Monitors are in order and should be called for which should take place before any further plans and or development takes place.
- H5 5. I did go in to the Vernal Pool area and was disappointed to see all the broken glass, cement and the basic "Civilization debris" in there. (See Encl) Seems like they would want to clean that stuff out. It is interesting as there is pretty gardening at the edge of the parking lot of the Vernal Pool area, like so much of Civilization, I think it is just to hide the trash.
- H6 6. Mr. Gerpen, told Clint and I about the SALK plan to remove the parking lots and build underground parking in an effort to "recapture" the view. All that sounded wonderful, however I would again recommend the presence of a good Archeologist and Native American Monitors during any earth movement.
- H7 7. Since the referenced consultation meeting, a detail site plan has come to my attention. If I view this plan correctly, it is a plan that lays out the development plan of three and four story buildings, which extend westerly of the current parking lots and regardless of what is done with the parking lots the view will not be "recaptured" at all, but will instead be obstructed. This information is disturbing, as you know the view is often the essence of place. I find such a

- H4 The City has taken into consideration information received during the SB 18 consultation and decided that the archaeological survey is adequate. To date, the project site or portions thereof has been surveyed five times (Advanced Sciences 1991; RECON 2000; RECON April 2000; RECON November 2000; and Kyle 2005). Subsurface monitoring was conducted in the past during grading operations for the East Building and parking lot expansion (RECON 1993) and during the grading operations for the City's Pump Station 45 (RECON 2005). No sites or pre-historic artifacts were discovered in any of these surveys and monitoring efforts. Testing cannot be conducted without any surface evidence of a site(s).
- H5 Comment noted. Implementation of the Habitat Management Plan (HMP) would clean up the vernal pool area.
- H6 Archaeological and Native American monitoring is required for all grading operations proposed under the Master Plan. See mitigation measures 5.4-9 in the EIR.
- H7 The EIR evaluated impacts of the proposed project on views and visual character and determined that the impacts would be less than significant. The new construction would be compatible with but separate from the historic architecture on site (as discussed in Section 5.2, *Visual Quality/Neighborhood Character*, and Section 5.4, *Historic Resources*, of the EIR). Furthermore, there is no evidence that either Kahn or Salk actively sought to provide a public view of the Central Court or the Pacific from the public streets surrounding the site. Grade changes and the incorporation of dense perimeter plantings, the eucalyptus grove, and the parterre between North Torrey Pines Road and the laboratory complex effectively precluded any meaningful public views from streets. The fact that Salk was seeking to create a quasi-monastic community of scientists and scholars suggests that he felt a need for privacy at the Institute, as does his decision to build the Salk Institute in what was still a remote section of La Jolla in the early 1960s. Refer to response to comment F5 from the National Trust for Historic Preservation for additional discussion on the design intent of Kahn and Salk.

000334

COMMENTS

RESPONSES

H7
Cont.

plan contrary to the essence of the standing SALK architecture. Which I might add, exemplifies and acknowledges not only the essence of view but incorporates the setting sun as well and goes beyond still to express the creative thought that created a place and invites one to witness and be a integral part of equinox. How primitive is that?

It was explained that this area was designed to bring scholarly minds out to the fresh air where they could mingle, interact, exchange and be stimulated with new creative thoughts. It is only my opinion, but that basic architectural philosophy is refreshing and should be the theme throughout all further construction at the SALK. The world needs creative and stimulating thought, where better to teach that than at the SALK Institute for Biological Studies and its outside environments?

H8

8. Where appropriate please integrate my comments and concerns in to a revised EIR Thank you.

Sincerely,


CARMEN LUCAS
Kwaaymii, Laguna Band of Indians

Copy to:

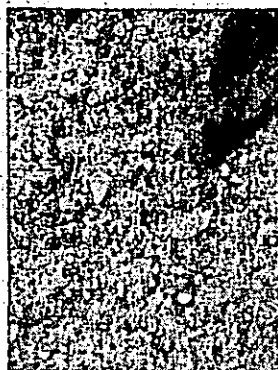
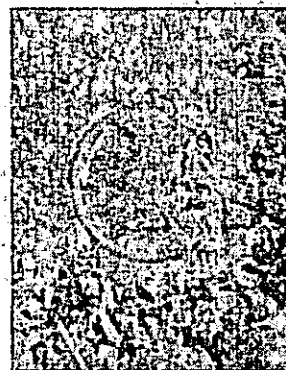
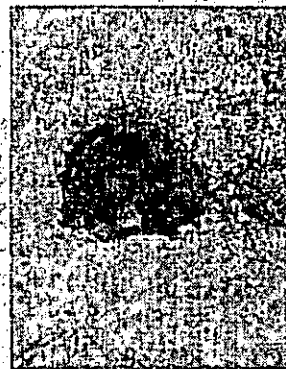
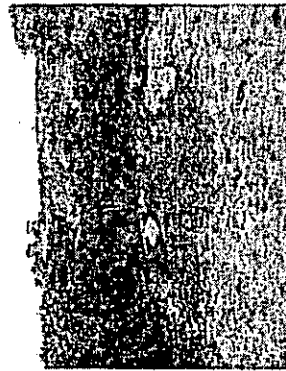
Clint Linton
Larry Myers, Native American Heritage Commission
Courtney Ann Coyle, Attorney at Law

H8 Comment noted. No revisions to the EIR are triggered by these comments.

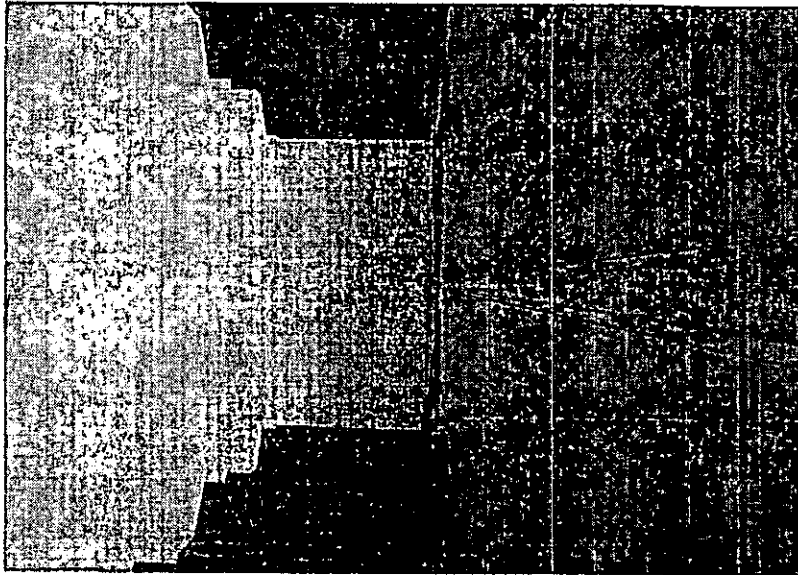
000335

COMMENTS

RESPONSES



000336



000337

COMMENTS

Allison Sherwood, Environmental Planner
San Diego Development Services Dept.
1222 First Avenue
MS501
DSDEAS@san-diego.gov
San Diego, CA 92101
May 14, 2007

Dear Ms. Sherwood:

- 11 This letter is submitted on behalf of the San Diego Sierra Club regarding the Salk Institute Master Plan, Project No. 44675, SCH No. 2004111049. In an effort to create a comprehensive record of all past, current, and proposed future development for CEQA alternatives and cumulative impacts consideration, we ask that records and documents from all past development on the entire site be incorporated into the public record and made available for consideration by decision makers in the current hearing process.

We would appreciate consideration by decision makers of the following concerns.

- 12 1. PLEASE CORRECT CITY FAILURE TO PROVIDE PUBLIC NOTICE & DEIR DISTRIBUTION TO KNOWN INTERESTED PARTIES, SUCH AS 1991 APPELLANTS; KAHN HEIRS SUE ANN & NATHANIEL KAHN; AND JULIA CONVERSE (OR CURRENT DIRECTOR OR CURATOR OF KAHN FILES) AT PENNSYLVANIA STATE UNIVERSITY.
- 13 2. PLEASE PROVIDE ORIGINAL 1961 SALK/KAHN MODEL, AVAILABLE AT THE INSTITUTE, ALONG WITH A FULL TO-SCALE MODEL OF THE CURRENT PROPOSAL FOR COMPARISON PURPOSES BY DECISION MAKERS, INTERESTED PARTIES, AND MEMBERS OF THE PUBLIC.
- 14 3. MAJOR THRESHOLD ISSUE: HOW CAN THE APPLICANT PARLAY A 1961 GRANT OF 500,000 SQ. FT. INTO A 2007 VESTED RIGHT CLAIM WHEN THE PROJECT HAS CHANGED SO DRAMATICALLY, AND WHEN 2007 EXISTING CONDITIONS DIFFER SO RADICALLY FROM 1961?
- 15 4. WE NOTE THAT THIS SITE LIES WITHIN THE BOUNDARIES OF PROPOSITION D COASTAL HEIGHT LIMIT OVERLAY ZONE (LDC SECTION 132.0505 AND MAP 132-05A) WHICH SPECIFICALLY PROHIBITS ANY EXCEPTIONS TO THE 30' HEIGHT LIMIT. PLEASE

RESPONSES

- 11 Records for all past development proposals on the site are not relevant to the current application on file with the City. If the commenter is interested in reviewing past records, an information request can be accommodated by City staff.
- 12 The City is not obligated to notify the 1991 appellants of the pending application or EIR nor has the City received a request from those individuals to be notified of all applications under review for the Salk Institute property. However, the applicant has informed the City that the past appellants are aware of the current Master Plan proposal and have indicated they are supportive of the application.
- 13 The original model is at Pennsylvania State University and the applicant has not created a model for the current application. Computer graphics are contained in the EIR that show an overlay comparison of the original Kahn design and the current Master Plan proposal by the Institute (see Figure 5.4-2 in the Final EIR).
- 14 The 500,000 sf development intensity is identified in the *University Community Plan* and not in the 1961 land grant from the City.
- 15 The project is consistent with the Proposition D Coastal Height Limit Overlay Zone, as described on page 5.1-23 of the EIR. Building height is measured differently under the Coastal Height Limit Overlay Zone than under the development regulations for the residential zone (see page 5.2-9 of the EIR). A deviation from the maximum structure height regulations of the residential zone does not trigger an inconsistency with the Coastal Height Limit Overlay Zone. The deviation is proposed for portions of the Salk Community Center building that would exceed 30 feet (see Figure 5.1-4 in the Final EIR).

000338

COMMENTS

RESPONSES

- 15
Cont. IDENTIFY ALL ELEMENTS OF THE PROJECT WITH CURRENTLY PROPOSED OR FUTURE PROPOSED HEIGHTS ABOVE 30'.
- 16 5. WE STRONGLY OPPOSE THE PROPOSED SUBDIVISION OF THE SITE INTO 4 PARCELS. SUCH ACTION COULD RESULT IN PIECEMEAL REDEVELOPMENT AND/OR POSSIBLE SALES, WHICH COULD DESTROY ARCHITECTURAL AND HISTORICAL INTEGRITY OF THE SITE AS A WHOLE.
- SHOULD THE SUBDIVISION BE APPROVED IN SPITE OF OBJECTIONS, WE STRONGLY OPPOSE ANY INTENTION TO USE THE RESULTING SUBDIVIDED PARCELS AS THE BASIS FOR MASTER PLANNED DEVELOPMENT PERMIT DEVIATIONS TO ZONE REQUIREMENTS. TO INSURE FURTHER ENVIRONMENTAL REVIEW, WE STRONGLY RECOMMEND A PROGRAM EIR.
- 17 6. SIERRA CLUB AND AUDUBON RECENTLY DISCOVERED THAT LONGTIME PRESCRIPTIVE PUBLIC ACCESS FROM SALK INSTITUTE RD. TO TORREY PINES CITY PARK, BOX CANYON, AND BEACHES BELOW, HAS BEEN CLOSED OFF BY A LOCKED GATE, IN APPARENT VIOLATION OF CALIFORNIA COASTAL ACT SECTION 30211. PLEASE SEE CALIFORNIA COASTAL RECORDS PROJECT IMAGE #9476. WE ASK THE CITY TO DIRECT THE APPLICANT TO REMOVE THE LOCK AND REOPEN THE GATE IMMEDIATELY.
- 18 7. WE BELIEVE ENVIRONMENTALLY SENSITIVE LANDS ON THE SALK SITE, SUCH AS THE VERNAL POOL COMPLEX, STEEP HILLSIDES, AND ENVIRONMENTALLY SENSITIVE HABITAT, BOTH ON SITE AND IN THE ADJOINING TORREY PINES CITY PARK, WOULD CONTINUE TO BE VULNERABLE UNDER THE CURRENT PROPOSAL. WHEN LAST ON THE SITE MAY 13, WE SAW NO NORTH - SOUTH PROPERTY LINE MARKERS BETWEEN SALK PROPERTY AND THE PARK.
- IS THE 100' VERNAL POOL BUFFER PROPOSED ONLY UNDER THE REDUCED PROJECT ALTERNATIVE? PLEASE CLARIFY.

- 16 An explanation of the proposed VTM and why the applicant cannot sell off the parcels created by the subdivision is provided in response to comment N4 from Courtney Coyle. The VTM would not change the types of land uses developed on site nor facilitate any deviations in the future. A program EIR is not appropriate for this project as described in response to comment N2 from Courtney Coyle.
- 17 The applicant is unaware that any prescriptive right across their private property had been established on site. The gate mentioned in this comment is across an access road and was installed by the City of San Diego to restrict access and prevent unauthorized entry into the new sewer pump station constructed west of the Salk Institute property. No evidence of a prescriptive right has been submitted to the City of San Diego. If evidence is submitted that shows a prescriptive right exists, modifications to the gate locks will be made.
- 18 The vernal pool complex, including the upland habitat surrounding it, on the north mesa would be placed in MHPA as part of the proposed project (see Figure 5.3-3 in the Final EIR). The pools and natural habitats would be managed and monitored in perpetuity under the proposed HMP. A 100-foot buffer around the vernal pools is not required on site and is not proposed for any of the project alternatives because currently the parking lot resides within 15 feet of the vernal pools. Any increase in the buffer would improve site conditions for the vernal pools. In the case of the proposed project, the buffer would increase to about 4 feet and it would contain a drainage swale that would be vegetated with native species and cleanse all water heading into the pools. No mitigation is warranted for existing development, particularly when the ESL regulations did not exist when the existing development was constructed.

COMMENTS

RESPONSES

18
Cont. INCLUDE THE COYLE LETTER COMMENTS, P. 36, CITING
FIGURE 5.3-2 SHOWING PRIOR SALK DEVELOPMENT ALREADY
WITHIN THE BUFFER. HOW WILL THESE IMPACTS BE MITIGATED?

19 8. ALTERNATIVES AND CUMULATIVE IMPACTS UNDER CEQA MUST
BE GIVEN FAR BROADER AND DEEPER ANALYSIS THAN EXISTS IN
THE DEIR. MOST IF NOT ALL OF THE ANALYSIS INVOLVES
INTERNAL ALTERNATIVES, WITH LITTLE OR NO CONSIDERATION
OF OFF-SITE JOINT USE OR SHARING.

FOR EXAMPLE, WHERE IS CUMULATIVE IMPACT AND
ALTERNATIVES ANALYSIS OF AREA REDEVELOPMENT
CURRENTLY PROPOSED ON THE UCSD-SALK-BURNHAM STEM CELL
RESEARCH SITE, SCRIPPS GREEN HOSPITAL SITE, SCRIPPS
MEMORIAL HOSPITAL, UCSD THORNTON-SHILEY-MOORES
COMPLEX, SITE 653, AND MULTIPLE OTHER UCPG DEVELOPMENT
PROPOSALS?

110 Comments submitted by the UCPG and by the La Jolla Farms homeowners have
provided invaluable analysis and insights into the proposed redevelopment for decision
makers and all interested parties. We are grateful for their contributions. In conclusion,
we reiterate what we consider to be the threshold issue:

**HOW CAN THE RIGHT TO BUILD REMAIN VESTED WHEN SALK
HAS CHANGED THE ORIGINAL PROJECT SO SUBSTANTIALY?**

Thank you for your consideration.

Joanne H. Pearson
Chair, San Diego Sierra Club Coastal Committee

Cc: Hon. Scott Peters, District 1
Jim Waring, Director of Land use and economic Development
City Attorney Michael Aguirre
Laurinda Owens, California Coastal Commission
Linda Colley, University City Planning Group

19 Section 15126.6 of the State CEQA Guidelines does not require the same level of analysis for
alternatives as the proposed project. An off-site alternative location was discussed on page
8-3 of the EIR and it was rejected from consideration for reasons described in the EIR and
summarized in response to comment N24 from Courtney Coyle. Subsequently, the applicant
has determined that securing off-site daycare capacity and housing units is better suited to
their goals for the Institute and the property. As such, these uses are no longer proposed on
site under the Refined Project Design, as described in the Preface to the Final EIR.

The list of projects considered in the cumulative analysis was derived from a list of active
applications on file with the City at the time the EIR was initiated (i.e., NOP released). At
the time, the geographic limits of the list were defined as the area within the University
City community west of I-5. Any development on the UCSD property, such as the stem cell
research project or Thornton Hospital project, would be consistent with the LRDP and were
taken into consideration in the cumulative analysis. The other projects mentioned in this
comment did not have active applications in the City or were anticipated in the buildout of
the UCSD campus and are analyzed in the 2004 UCSD LRDP EIR.

110 Responses to the UCGP and Courtney Coyle letters are provided in this Final EIR. As noted
above, the "development right" perception referenced in this comment comes from the
Development Intensity Element of the *University Community Plan* and not from the original
land grant.

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



May 20, 2007

Allison Sherwood, Environmental Planner
City of San Diego, Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Comments on Salk Institute Master Plan, DEIR

Dear Ms. Sherwood,

The Endangered Habitats League has followed this proposal for several years and over that time has visited the site, identified areas of concern, and provided Salk representatives with suggestions related to those concerns.

While impacts to sensitive biological resources per the DEIR may appear minimal with respect to gross acreages, it is important to understand that this area supports a complex of natural vegetation communities exceedingly rare in type, composition, and location. Consequently, our comments to the applicant's original proposal included the following recommendations:

1. Consistency with MSCP standards, emphasizing avoidance over mitigation
2. Provide a "net environmental benefit" to species, and reserve design
3. Avoid direct or indirect impacts to vernal pools. Enhance existing vernal pools. Provide a public educational opportunity in association with the vernal pool complex.
4. Control non-native and invasive species
5. Include City owned land in MHPA boundary adjustment
6. Provide adequate funding for ongoing management and monitoring.
7. Maximize avoidance to Diegan coastal sage scrub on the southern mesa proposed temporary housing area

With the inclusion of recommendations regarding the brush management zone, our comments will be limited to these areas of concern.

MHPA

Our initial impression when viewing the MHPA boundary for the entire area was that the MHPA boundary was drawn exclusively according to property ownership and did not

- J1 Comment noted. The MHPA proposed as part of the Refined Project Design would encompass undeveloped land on the north mesa (amounting to 1.3 acres). Additionally, the Refined Project Design proposes a conservation easement over the south mesa to preserve its resources in perpetuity (see the Preface to the Final EIR for additional details). With regard to invasive plant species, the applicant would remove all invasive species from the Salk premises, including the additional areas referenced in this comment, as part of the Exotic Vegetation Removal Plan (see Appendix F to the biological technical report). Non-invasive hydroseed mix (see Table 1 in the Exotic Vegetation Removal Plan) would be applied for erosion control on any area larger than 100 square feet. Therefore, invasive species would be removed from the areas in question regardless if they are added to the MHPA.

000341

COMMENTS

RESPONSES

000342

J1
Cont.

take into account biological functions within this ecological complex. For example, topographic influence on biological resources and ecosystem function was ignored, particularly along the southern mesa boundary.

While the proposed addition of 3.2 acres net to the MHPA is quantitatively a positive, the influence on reserve design and function, again particularly on the south, is the more appropriate metric by which to value the additional acreage. The proposed additions to the MHPA would improve reserve design and would contribute to the long-term functions and values of the biological system. These contributions are compromised however by two issues outside the control of the applicants: Adjacent City owned land, and the brush management zones.

It is our understanding that the applicants forwarded our suggestion to City staff that City owned land in the southwest (including the road and pump facility), and southeast quadrants be included in the MHPA boundary adjustment (DEIR Figure 5.3-3). City staff apparently rejected this proposal, in part because of the degraded nature of the some of the area, or designation as a fire buffer.

We recommend that the City make these additions to the MHPA. These areas could then be managed and monitored consistent with the adjacent Salk open space. Invasive non-native species (present in both areas) could be eliminated, restoration of the degraded areas around the pump station could be implemented, and the future of this rare coastal remnant complex of vegetation communities would be greatly enhanced. If the cost of implementing these actions underlies the staff position, EHL would commit resources to helping the City find grant funding.

J2

Brush Management

Fire safety should not focus entirely on application of brush management clearing standards. Under any development alternative, fire resistant construction materials and fire-safe building technique and design should be maximally utilized, and brush management zones adjusted accordingly. The objective is to avoid or reduce impacts to natural lands wherever possible as a first choice. The function and value of the preserve areas could be greatly enhanced if the proposed brush management zones were amended in three specific locations.

- Brush Management Zone 2 within the vernal pool complex in the Northern Preserve Area is unnecessary. This particular vernal pool complex has a very low fuel load and will be managed to control non-native (potentially fire-flashy) species. If necessary, auxiliary water supply source could be located in this relatively small area for fire contingencies. We recommend the elimination of Zone 2 in this area.

- Maritime succulent scrub is one of the rarest plant communities in this ecoregion. Brush Management Zone 2 within the maritime succulent scrub on the Northern Preserve Area should be adjusted to reduce the 50% clearing standard by providing an auxiliary water supply. In conjunction with adjacent fire-safe building design, we recommend providing

J2

Comment noted. The applicant and City both agree that it is desirable to reduce impacts to sensitive habitat caused by brush management. With regard to the vernal pool area, the applicant has modified the Salk Community Center Building as part of the Refined Project Design such that no brush management occurs in the vernal pool area (see Figure 5.3-2 in the Final EIR). With regard to the maritime succulent scrub, no reduction in brush management impacts can be implemented under the existing regulations and the Refined Project Design; however, any sensitive plant species that occur within Zone 2 would be tagged before brush management is initiated, as described in Section 5.3.2 of the Habitat Management Plan. Additional reductions in brush management could occur in the future if the City adopts an alternative compliance brush management plan for the Salk Community Center that avoids impacts in the sensitive habitat while providing fire protection that is functionally equivalent to the required fire break.

J2
Cont. *a water supply/fire suppression system as a fire contingency alternative to the 50% Zone 2 clearing requirement.*

- For preserve design and species conservation purposes, the Southern Preserve Area should be expanded. *We recommend the Southern Preserve Area expanded to include all lands up to brush Management Zone 2.*

J3 **Residential Units, South Mesa**
While technically outside of the MHPA, we identified impacts to this high value Diegan coastal sage scrub area as one of particular concern – from our perspective an area that should have been included in the MHPA when those boundaries were initially drawn.

Early versions of the residential footprint were unnecessarily expansive. The applicants have reduced the footprint and while we recommend impacts to this area avoided entirely, we acknowledge that the proposed avoidance is consistent with the MSCP. The North Mesa Intensified Development Alternative would locate this and the day care facility on the north mesa, but eliminate southern MHPA additions. *If the North Mesa Intensified Alternative is chosen, we recommend that the entire south mesa be added to the MHPA.*

J4 **North Mesa Vernal Pool Complex**
The applicants have adopted an avoidance and conservation strategy consistent with our recommendations for the vernal pool complex. Of particular concern were indirect impacts from toxic hardscape runoff. We appreciate that water quality impacts on the north mesa will provide a net benefit vis-à-vis existing conditions should the project be adopted. Concerns remain that adequate funding is available to implement long-term management and monitoring for the entire preserve, including the vernal pool complex.

J5 **Restoration, Monitoring and Management Funding and Performance**
If a project alternative is approved, adequate funding and performance standards/success criteria must be provided for:

- Restoration of degraded habitat
- Elimination of non-native and invasive species
- Monitoring for implementation compliance and species and habitat conservation
- Adaptive management of preserve areas

As a condition of project approval, we recommend that Area Specific Management Directives be developed, performance standards and timelines explicitly identified for each of these categories, and funding provided based on a PAR analysis (Property Analysis Record- Center for Natural Lands Management).

J3 Comment noted. The City appreciates the commenter's acknowledgment that habitat impacts would occur outside the MHPA, consistent with the MSCP Subarea Plan. Impacts to sensitive habitat avoided by the North Mesa Intensified Development Alternative would also be avoided by the Refined Project Design, as described in the Preface to the Final EIR. In both cases, the applicant would not shift the south mesa habitat into the MHPA since its biological mitigation obligation would be met in the MHPA proposed on the north mesa.

J4 Comment noted. The vernal pools will be monitored and managed as described in the proposed Habitat Management Plan (HMP) appended to the EIR (see Appendix B).

J5 The project HMP has been modified consistent with the Refined Project Design, which excludes the south mesa from the MHPA since the biological mitigation obligation for the project can be satisfied in the MHPA on the north mesa. In terms of habitat enhancement, non-native and invasive species would be removed from the Salk property during the implementation of the Exotic Vegetation Removal Plan. As shown in Table 2 of the HMP, non-native species removal would be monitored twice annually after the 25-month monitoring period for erosion control is completed under the Exotic Vegetation Removal Plan. The \$44,500 endowment contained in the HMP was developed using an estimate of the costs to conduct the required HMP tasks annually, taking into account that a portion of the funding would come out of the Salk Institute's annual operating budget for HMP tasks they would be responsible for, including exotic species control and trash removal in the preserve. Thus, the endowment would be for non-Salk Institute tasks identified in Table 2, such as vernal pool monitoring and annual reporting. Because the HMP was reviewed and approved by the Wildlife Agencies, i.e., USFWS and CDFG, prior to its release as part of the EIR, the endowment was deemed adequate by City staff.

000343

COMMENTS

RESPONSES

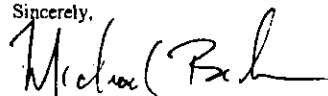
J5
Cont.

The PAR will provide an accurate assessment of long-term management costs and define a necessary endowment. We are unable to assess the adequacy of the proposed endowment of \$44,500.

The Biological Technical Report (sections IV and V) indicates that a final assessment for the removal of exotic vegetation will be performed at the end of a 25-month period. However, there is no obligation to insure that the exotic vegetation removal is successful or complete; on the contrary success criteria associated with invasive control is explicitly not required. We recommend that success criteria be developed and adopted and the time period for invasive species control extend for a period of five years.

Thank you for your consideration.

Sincerely,



Michael Beck
San Diego Director



SAN DIEGO AUDUBON SOCIETY
4891 Pacific Highway, Suite 112 • San Diego CA 92110 • 619/682-7200

May 20, 2007

Ms. Allison Sherwood, Environmental Planner
City of San Diego Development Services Center
1222 1st Ave, M S 501
San Diego, CA 92101

Re: Salk Institute Master Plan
Project No. 44675

Dear Ms. Sherwood,

K1 The San Diego Audubon Society (SDAS) appreciates the opportunity to comment on the Salk Institute Master Plan Draft Environmental Impact Report (DEIR). We also thank the Salk Institute for inviting San Diego Audubon to several public information meetings that explained the project and solicited our comments.

The Master Plan has incorporated a number of environmentally beneficial design concepts into the project: underground parking, turf surface on the parking garage, containment/treatment of water runoff from hard surface areas and sheet flow discharge from high volume runoff. However, we do have several questions about other aspects of the DEIR.

K2 Daycare Facility
As noted in Figure 5.3-2 and on page 5.3-18, approximately 1.83 acres of sensitive habitat will be eliminated and several sensitive species of plants and animals impacted by the project. Additional impacts to habitat will occur from brush management. The bulk of these impacts are associated with the daycare facility. An alternative design should be considered that relocates the daycare facility to the north mesa. The Community Center building is a logical relocation choice since it will have 117,000 sq. ft. and the daycare facility requires only 12,000 sq. ft. -- about 10% of the total square footage of the center. It should also be possible to use the turf area of the garage for the 10,000 sq. ft. play area. Daycare parking could be designated in the adjacent garage. Relocating the daycare facility would preserve a large portion of the south mesa since the daycare parking spaces and brush management would no longer be needed. Relocating would also improve the esthetics of the project and allay many of the concerns expressed by area neighbors.

K3 Trail Impacts
The DEIR does not mention public access impacts to the Southwest Beach Trail from the west end of Salk Institute Road (Public Parks/Trails comments, page 5.2-16 and Figure 5.2-1). It is clear from aerial photographs (Figure 5.2-1) that people use this route to the beach. The only other access is from La Jolla Farms Road. The impacts to public access to the Southwest Trail from Salk Institute Road should be discussed in the EIR.

K1 The commenter's mention of environmentally beneficial design concepts of the project is noted.

K2 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

K3 The City respectfully notes that if people are using the "Southwest Beach Trail" route (referred to as Box Canyon Trail in the EIR) to access the beach, they are actually trespassing on private property, as the trail visible on EIR Figure 5.2-1 extends directly from the western terminus of Salk Institute Road, a private driveway on Institute property. No public access impacts were discussed in the EIR because this route does not necessitate protection since it stems from private property; therefore, no additional analysis is required. As noted on page 5.1-21 of the EIR, "[t]he proposed project would not affect access to the beach along Box Canyon Trail, an unimproved foot trail that extends west from Black Gold Road." Sufficient public access to Box Canyon Trail currently exists from off-site Black Gold Road (not La Jolla Farms Road as mentioned in the comment) and would remain unchanged and unimpeded with implementation of the proposed project. See response to comment 17 from the San Diego Sierra Club for related discussion.

000345

COMMENTS

RESPONSES

- K4 Domestic Pet Impacts
The potential impact of domestic pets is discussed on page 5.3-28. Specifically mentioned is the threat from cats, which kill large numbers of birds, rodents and reptiles. The DEIR then comes to the amazing conclusion that since the residents in the temporary housing units are less likely to have pets, there is no significant impact.
- K4 A single cat could wipe out the entire local population of endangered California gnatcatchers in a few days, especially during nesting season which runs from March 1 to August 15. Furthermore, birds that live in the coastal sage scrub and chaparral habitat nest on or near the ground, making them especially vulnerable to both cats and dogs. Escaped cats could easily become lost in the unfamiliar surroundings and become feral. Pets, especially cats, should not be allowed in the temporary housing facility. Any deviation from the no-pets policy should have strict, enforceable rules on keeping the pets indoors and significant penalties for failure to do so.
- K5 Invasive Plant Removal
Removal of four species of exotic, invasive plants on Salk property is covered on page 3-11 of the DEIR. However, there is no mention of when this would be accomplished. The DEIR should specify that removal of invasive plants would occur at the outset of the project. Otherwise, the problem will only get worse in the canyon and adjacent hillsides, all of which are part of MHPA. In order to address areas in the MHPA where invasive and exotic plants have already spread, Salk could coordinate with volunteer groups and the city to remove or kill the plants in the affected areas.
- K6 San Diego Audubon recognizes the positive aspects of this project, but believes the natural environment and esthetic qualities of site will be greatly improved by relocating the daycare facility to the north mesa. This could be done without impacting the mission of the Salk Institute or the quality of daycare. If you have any questions regarding these comments please contact me.
- Sincerely,
- Mel Hinton
President
melhinton@sbcglobal.net
619-682-7200

- K4 As discussed in response to comment A3 from the Wildlife Agencies, the applicant is no longer proposing to construct the temporary housing quarters, therefore, there is no need for a "no pets policy."
- K5 As noted in the project Habitat Management Plan (HMP) and detailed in the Exotic Vegetation Removal Plan (EVRP; Appendix F to the project Biological Technical Report), the targeted removal of four exotic species, chosen for their severity as noxious exotic vegetation in the area, would begin concurrent with construction of the first building under the proposed project (i.e., at the outset of the project). (A statement noting the timing of the targeted vegetation removal has been added to page 3-10 of the Final EIR.) A 25-month maintenance and monitoring period will follow the initial plant removal and, following the 25-month period, as required in the EVPR, the Salk Institute will conduct ongoing exotic species control activities as described in Section 5.2 of the HMP. Specifically, as noted in response to comment D7 from the California Department of Parks and Recreation, the Institute will be responsible for removing populations of all exotic plant species included in the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory. Zero Tolerance Species (including species ranked High by Cal-IPC) will be identified and mapped during initial site visits to the preserve area and such species will be removed within two weeks after their discovery. Focused weeding events also will take place in January/February and again in April/May, with additional weeding to occur as needed throughout the remainder of the year. Prevention/reduction of exotic species introduction on the project site will be an on-going process.
- K6 Comment noted.

000346

COMMENTS

May 21, 2007

Ms. Allison Sherwood, Environmental Planner
City of San Diego Development Services Center
1222 1st Ave, MS 501
San Diego, CA 92101



RE: Coastkeeper Comments on the Salk Institute Master Plan Draft EIR (Project No. 44675)

Dear Ms. Sherwood:

L1

I am writing on behalf of San Diego Coastkeeper (Coastkeeper) an environmental organization working to protect regional waters in Southern California. With 5,000 supporters, Coastkeeper is the largest non-profit organization dedicated to coastal protection in San Diego. We have participated in the master plan process for the Salk Institute for the last two years, including several meetings with project proponents and are pleased to comment on this draft Environmental Impact Report (dEIR).

We write in support of the comments by the University City Planning Group (Linda Colley) and by Attorney Courtney Coyle. Our specific comments will be limited to issues of water quality, however we urge you to resolve the very real concerns brought up by these commentators before moving forward on the project.

L2

Surface Runoff (Section 5.8 Issues 1&2)

Development of all kind can have a dramatic effect on erosion, water quality and sedimentation. By preventing the infiltration of rainfall and other precipitation into the soil, developments which increase impervious cover (e.g. roads, buildings and parking lots) or channelize flow represent a significant alteration in the natural hydrologic cycle. Impervious cover causes more water to reach waterways faster and with proportionally greater erosive force than natural hydrology. This increased erosion and channel instability resulting from impervious cover contributes to downstream sedimentation which can suffocate and contaminate riverine ecosystems. We were pleased to see that the dEIR actually reduces impervious cover. However, despite the net decrease in impervious surface, there is an increase in runoff at several locations within the project.

L3

Figure 5.8-2 shows runoff conditions for both pre and post construction. In particular, we are concerned with runoff from the north mesa into the canyon (interior of the project site). The flows have changed from the current 1.8 cubic feet per second (cfs) to a projected 5.7 cfs. Similarly, drainage off the western end of the south mesa has increased by 6.4 cfs. Given the known contaminants in this surface water (see table 5.8-1) the increased flow into our canyons and MSCP lands is potentially problematic.

L4

The dEIR (p. 5.8-13) asserts that discharge from the north mesa would be dissipated through a vegetated swale and/or generally level terrain. Please specify what mitigation will actually be built and provide supporting figures to demonstrate no increase in downstream erosion potential. Also, specify the design storm used (if any) in this calculation.

2825 Dewey Road, Suite 200 San Diego, CA 92106 619-758-7743 Fax 619-224-4638 www.sdcoastkeeper.org

RESPONSES

L1

Comment noted. Responses to the University Community Planning Group and Courtney Coyle are provided in this Final EIR.

L2

Implementation of the proposed project would result in minor increases in 100-year storm runoff at several outlet points (with all remaining outlets exhibiting no increase or a net decrease in 100-year flows). The Refined Project Design, which would leave the southern mesa undeveloped, would maintain the runoff characteristics from that portion of the site as they exist today and no increase in flows would occur from the southwest outlet (see the Preface to the Final EIR). The EIR addresses increased flows on page 5.8-13, and concludes that no associated significant impacts would occur based on the relatively minor increases, as well as reductions in discharge velocity accomplished through the following considerations outlined on page 5.8-13 in the EIR: (1) the flow increase at the central portion of the north mesa would be directed through a vegetated, rock-lined swale (i.e., riprap apron), and/or generally level landscaped areas prior to entering the adjacent canyon, which would slow and disseminate the flows (as well as allow for infiltration), and effectively reduce the potential for concentrated flows and downstream erosion; and (2) post-development flows at the northwestern corner of the south mesa would pass through an existing energy dissipation structure that is adequate to accommodate the described runoff increase, and would slow and disseminate the flows prior to off-site discharge. Therefore, the minor increase in flows would not cause erosion, water quality and sedimentation impacts.

L3

As noted in this comment and above in response to comment L2, Figure 5.8-2 depicts an increase in post-development flows. The EIR acknowledges on page 5.8-19 that "Long-term project operation and maintenance could result in the generation and off-site transport of urban and industrial contaminants...with associated potential effects...in downstream receiving waters." This discussion also goes on to describe the fact that the project would conform to applicable NPDES and City Storm Water Standards through the implementation of appropriate post-construction site design, source control and treatment control BMPs. Specific proposed BMPs are identified in the EIR and accompanying technical studies, including: (1) site design features, (2) source control measures and (3) treatment control measures (see page 5.8-19). As described in the project Water Quality Technical Report (Appendix H of the EIR), the described combination of site design, source control and treatment control BMPs would effectively address potential impacts from project-related runoff and contaminant generation, and would provide conformance with applicable NPDES and City of San Diego Storm Water Standards for both the proposed project and the existing facility.

L4

As noted above in the response to comment L3, proposed BMPs associated with the north mesa would involve site design (minimizing impervious surfaces, directing runoff into vegetated areas on-site, and use of native and/or drought-tolerant vegetation), source control (stenciling and monitoring/maintenance of storm drain inlets, use of IPM, and installation of native and/or drought-tolerant landscape varieties), and treatment control (vegetation- or rock-lined swales and storm drain filter inserts) measures to address potential impacts related to project-generated runoff and contaminants.

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COMMENTS

RESPONSES

L4 cont.

As noted in Table "A" in the Drainage Study (Appendix G of the EIR) and discussed above, there will be an increase in peak flow of 3.9 cfs from Basin 3, but an overall reduction of 4.7 cfs of overland flow into the canyon from the north. The 0.9 cfs increase downstream of the southern outfall that was previously identified in the Draft EIR would not occur under the Refined Project Design, as described in the Preface to the Final EIR. Therefore, although the development would result in increased peak flows at the aforementioned outlet points, the existing and proposed velocity-reducing devices [i.e., vegetated and/or rock-lined (riprap) swales] would be adequately sized to manage projected peak flows. No significant increase in downstream erosion potential would occur as a result of the implementation of such devices in the proposed project. Inclusion of supporting calculations and figures showing the erosion-reduction potential of the existing velocity-reducing devices is not required under CEQA. A 100-year design storm was used in calculating the pre- and post-construction flow rates.

000348

- L5 The southwestern increase is labeled as minor in the dEIR (p. 5.8-13) and the existing energy dissipater is given as adequate to accommodate additional flow without changing erosion potential. Please support this statement with specific capacities.
- L6 *Short-term Construction (5.8-14)*
As the dEIR points out, the potential for the discharge of pollutants to storm water from contaminated or erodible surface areas is even higher during the construction phase. The most effective way to control erosion is to preserve existing vegetation. Preservation of natural vegetation provides a natural buffer zone and an opportunity for infiltration of storm water and capture of the pollutants in the soil matrix. The advantages of preservation of natural vegetation are that higher quantities of storm water runoff can be handled than newly seeded areas, increased filtering capacity is achieved through dense vegetation and root systems found in preserved natural vegetation and preservation of natural vegetation is usually less maintenance than planting new vegetation. Due to these advantages, we ask that preservation of natural vegetation be implemented as the primary mechanism to protect water quality in areas containing contaminated or erodible surfaces.
- L7 No specific construction and post-construction BMPs are laid out in the dEIR. Instead, the document depends on the regulatory framework of City stormwater standards (identified on p. 5.8-6). Please identify the specific measures that will be taken on this project. To the extent the BMPs are based on site specific characteristics (p. 5.8-15) those characteristics should be well known at this point. If such specifics are to be identified in the future, this document is better considered a programmatic EIR rather than a project level EIR.
- L8 The reliance on the municipal permit also requires the dEIR to be brought up to date. References in this section are to the 2001 Municipal Permit. In January of this year, before the distribution and notice of this document, the Regional Water Quality Control Board adopted a renewal of the 2001 permit. The new permit contains many new regulations, including those related to hydromodification. Other dates also need to be updated. The TMDL and section 303(d) list discussion on page 5.8-4 refer to the 2002 list. In fact, the 2006 303(d) list has been approved by the EPA, and a 2008 list is pending at the State Water Board. Please update the requisite figures, tables, and text to reflect these changes.
- L9 *Long-term Operation and Maintenance (5.8-18)*
Maintenance is a key component of any successful stormwater control program. While this section offers a commitment for maintenance of private on/site facilities, the section does not specifically identify the long-term BMPs as facilities. Please clarify this issue by committing sufficient ongoing resources to adequately maintain all stormwater control and treatment features, including maintenance of drainage swales, energy dissipaters, as well as storm drains.
- L10 The dEIR makes no specific mention of the downstream Areas of Special Biological Significance (ASBS). La Jolla is home to two of these unique 'aqua gems': San Diego-Scripps and La Jolla are contiguous ocean areas that are also overlapped by other state designations and protections. The most significant threat to these beautiful areas is stormwater runoff from increased development. Although no discharge is allowed into these areas, the dEIR does not discuss how all runoff from the project will be prevented from entering the ASBS. Nor is there any discussion on cumulative water quality impacts and their possible significance. Please add the required sections and discuss how runoff and associated contaminant loads will be kept out of the ASBS.

L5 A runoff increase projected in the southwest, as described in the Draft EIR, would not occur under the Refined Project Design because the southern mesa would remain undeveloped; therefore, this comment is no longer applicable.

L6 Comment noted. The project applicant recognizes the stated concerns regarding the preservation of natural vegetation, and the proposed design incorporates such preservation wherever feasible. Specifically, impacts to native habitats are limited to less than 0.1 acre (as described in Section 5.3 of the Final EIR), with substantial areas of native habitat on the north and south mesas to be preserved in perpetuity under the Refined Project Design.

L7 Comment noted. The EIR identifies a number of potential construction BMPs to address issues including erosion/sedimentation, construction-related hazardous materials, demolition-related debris generation, and disposal of extracted groundwater on pages 5.8-14 through 5.8-18. The determination of which of these measures, and their locations, will be most appropriate on the ground will be made as part of the Storm Water Pollution Prevention Plan (SWPPP) process, in consultation with the RWQCB and the City of San Diego. The process of identifying the types and locations of construction BMPs that will be most effective in preventing and controlling the discharge of construction-related contaminants entails the use of final grading plans, as well as the site-specific conditions referenced on page 5.8-15 and SWPPP contractor preferences based on previous experience (i.e., there are typically a number of potential options to address individual concerns). Based on these conditions and the fact that preparation of a SWPPP is separate from (and typically not completed until after) the CEQA process, it is generally not appropriate to identify specific construction BMPs in an EIR.

Post-construction BMPs are specifically called out on pages 5.8-18 and 5.8-19 of the EIR, with these measures summarized above in the response to comment L3, and detailed descriptions provided in the project Water Quality Technical Report.

L8 Comment noted. As indicated in this comment, a revised Municipal Permit was adopted by the RWQCB on January 24, 2007 (under Order No. 2007-0001). The associated City Storm Water Standards have since been updated. If, after these Standards are adopted, it is determined that additional or modified measures are required to provide conformance with the NPDES Permit and City Storm Water Standards, the design of the proposed project storm water system would be modified accordingly. The Municipal Storm Water Permit discussion on pages 5.8-6 and 5.8-7 of the EIR has been updated to reflect the 2007 adoption of a renewal of the 2001 permit.

The approved 2006 303(d) list includes the same 3.9-mile stretch of Pacific Ocean shoreline within the Scripps HA identified in the EIR as the only impaired water downstream (with identified contaminants limited to bacterial indicators on both the 2002 and 2006 lists). It should also be noted that, while the 2002 listing referenced in the EIR identified several beaches within approximately 1.5 miles of the project site as specific areas of impairment, the 2006 list identifies only Children's Pool Beach as impaired, with this area located approximately 3 miles south of the project site. While it is appropriate to use the most

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L8 cont.

recent approved 303(d) listing as described by the commenter, information from pending or draft lists is not included as such data may be subject to modification prior to adoption. The TMDL and 303(d) list discussion on page 5.8-4 of the EIR has been updated to refer to the 2006 303(d) list and to reflect the inclusion of Children's Pool Beach as the only specific area of impairment in the vicinity.

L9 As described above in the response to comment L3, post-construction BMPs are specifically called out on pages 5.8-18 and 5.8-19 of the EIR, with detailed descriptions provide in the project Water Quality Technical Report. The EIR notes on page 5.8-19 that "[t]he applicant shall be responsible for all long-term maintenance of private facilities/areas withir the project site..." and "...shall enter into a Storm Water Management and Discharge Control Maintenance Agreement with the City of San Diego to ensure the establishment and maintenance of permanent BMPs within the project site...". Additional details regarding the Storm Water Management and Discharge Control Maintenance Agreement, as well as a sample document, are provided in the project Water Quality Technical Report.

L10 The referenced San Diego-Scripps (ASBS 31) and La Jolla (ASBS 29) Areas of Special Biological Significance are located a minimum of approximately 1.1 miles south of the project site, with associated runoff therefore not directly tributary to these areas. As previously described, the project design includes a number of proposed measures to address both short- and long-term potential concerns from project-related runoff and contaminant generation. Pursuant to discussion in the EIR and the project Water Quality Technical Report, these measures would ensure conformance with all applicable regulatory requirements related to hydrology and water quality, would result in runoff containing fewer contaminants than existing site runoff, and would reduce all associated project impacts below a level of significance. Based on the described conditions, no significant hydrology/water quality impacts to the referenced Areas of Special Biological Significance are anticipated from implementation of the proposed project.

Potential cumulative hydrology and water quality impacts are discussed in Section 7.2.8 of the EIR, with this evaluation concluding that "[i]mplementation of BMP design features, conformance with all applicable permit and regulatory requirements and enforcement of those permit requirements...and entering into a Storm Water Management and Discharge Control Maintenance Agreement with the City would avoid any potential for cumulatively significant water quality impacts." Based on the above discussion, this conclusion would also apply to potential cumulative hydrology/water quality impacts associated with the San Diego-Scripps and La Jolla Areas of Special Biological Significance.

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COMMENTS

RESPONSES

Page 3

L11

Thank you for the opportunity to comment on this important matter. We appreciate the dedication of the project proponents in working with outside groups such as ours and encouraging discussion on all aspects of the project. We look forward to seeing the above comments specifically addressed and issues resolved in the final EIR. Please do not hesitate to contact me at 619 758-7743 ext. 109 or gaby@sdcoastkeeper.org with any questions or comments.

Sincerely,

Gabriel Solmer, Esq.
Legal Director
San Diego Coastkeeper

L11 Comment noted.

000351

COMMENTS

RESPONSES

Friends of Rose Canyon
6804 Fisk Avenue
San Diego, CA 92122
858-597-0220
Rosecanyon@san.rr.com

May 21, 2007

Allison Sherwood, Environmental Planner
City of San Diego Development Services Center
1222 1st Ave, mail stop 501
San Diego, CA 92101
Subject: Friend of Rose Canyon comments on the Salk EIR
Date: May 21, 2007

Re: Project Number 44675, SCH No. 2004111049
Sent by email, with Attachments 1 and 2

Dear Ms. Sherwood:

On behalf of the friends of Rose Canyon we submit the following comments regarding the Salk Institute Master Plan draft Environmental Impact Statement.

This comment from the Friends of Rose Canyon adopts in their entirety and incorporates by reference comments made by Courtney Coyle in her comment letter regarding the proposed Salk Institute Master Plan on behalf of the La Jolla Farms homeowners dated May 7, 2007, and incorporates by reference the comments of the University City Planning Group in their comment letter from Linda Colley, Chairperson of the University City Planning Group dated May 3, 2007. The friends of Rose Canyon comment also incorporates by reference the deed granted by the city of San Diego to the Salk Institute for Biological Studies dated December 19, 1961. The Friends of Rose Canyon's comment also incorporates by reference the composite of the agreement between the city of San Diego and the Salk Institute for Biological Studies dated June 3, 1966. Our comments are largely based on that latter document, and are focused on two major issues:

1. The composite agreement does not include a provision that allows a day care center to be built on the south Mesa, and
2. The City should consider restoring the provision that would allow reversion of the property to the City in the case of an un-rectified breach of the agreement by Salk that was eliminated entirely in the sixth subsidiary agreement.

M1 Comments noted; see responses below.

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COMMENTS

RESPONSES

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M1
Cont.

We particularly support the comments by the UCPG that raise major concerns about the placement of the day care center on the south mesa and the need for an alternative location for it. An alternative location for the housing is also something we strongly support.

The current agreement between the City and Salk does not allow a day care facility.

First, with respect to the provisions that condition the use deeded by the City to Salk: the city of San Diego agreed to grant a conditional use permit for uses by Salk that were clarified in paragraph 7 (p. 6 of the composite agreement). These conditions apply to Salk or any successors in interest. In this paragraph the Corporation agreed to limit its use of the property to the:

M2

primary purpose of building, establishing, maintaining and operating a non-profit facility devoted to the advancement and dissemination of knowledge relevant to the health and well-being of man, primarily by research, advanced instruction and training (a) in biology, (b) in the cause, prevention and cure of disease, and (c) in the factors and circumstances conducive to the fulfillment of man's biological potential and for purposes germane thereto, including without limitation, those specified in paragraph 6 D hereof.

Paragraph 6 D (p. 5 of the composite agreement) referred to housing facilities on the property ("except as otherwise agreed upon between the City and Corporation") to housing for: "visiting scientists and scholars," "scientists and scholars in residence temporarily," "maintenance personnel," "short term guests and for the Director of the Institute of Corporation." The paragraph also included a reference to hospital facilities that could be constructed on the premises to provide treatment "primarily related to research conducted by Corporation on the property."

Paragraph 7 and paragraph 6 D, taken together, show that although the overall intent of the agreement is to limit uses of the property to constructing and operating non-profit research facilities, which at that time comprised the North laboratory and South

M2 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

Nonetheless, the City notes that paragraph 7 of the grant deed explicitly provides that the uses identified in paragraph 6D were not intended to be an exhaustive list—indeed, paragraph 6D only references certain uses or portions of the site for housing and hospital facilities that were contemplated at the time. If the City and Salk had intended it to be an exhaustive list of uses at the site, they would not have used the phrase "including without limitation, those specified in paragraph 6D hereof (emphasis added)." Instead, the agreement used the broader language of paragraph 7 to reflect the parties' intention that a broad range of uses that are "germane" to the operation of a research facility should be permitted.

COMMENTS

RESPONSES

000354

M2
Cont.

laboratory buildings (see page 4 of the composite agreement), construction could be extended to housing and hospital facilities described in paragraph 6 D. This paragraph indicates that the City did not intend to allow Salk full discretion to construct any building that it wanted to. The temporary staff housing, and possible hospital facility were explicitly called out as exceptions to the property's research purpose, must have been the subject of discussion and negotiation between the City and Salk, and therefore were given their own paragraph. If there had been any intent to allow a day care center at that time, that building would have been included in paragraph 6 D to protect such a facility from future challenges. It was not.

We do not argue here that a day care center will not facilitate and promote the original non-profit research intent reflected in the composite agreement, but the City merely granting a permit to the day care center is not sufficient to honor the terms of the agreement. At the time that the composite agreement was framed, on site day care was extremely rare, as were the female scientific staff members likely to be its major users.

M3

The omission of a day care facility from paragraph 6 D is quite understandable. However, the City and Salk should amend paragraph 6 D to include a day care facility to avoid any future challenges to its construction as a breach of the agreement.

M4

The reversion provision should be restored

In the original agreement dated January 17, 1961, the procedures that apply in the instance of a breach of the terms of the agreement by Salk are described in paragraph 8 (p. 7). We will apply these procedures to a hypothetical case in which Salk has sold a parcel to a developer who prepares to construct residential units on the South Mesa. This would breach the permission that limits use of the property to nonprofit scientific purposes. The City Manager (in today's system, the Mayor) would provide notice of the breach to the developer. Within 60 days the developer would respond to the city detailing reasons why his conduct was not a violation. If the City and the developer could not settle their dispute informally, within 60 days, it MUST ("shall") be submitted to binding arbitration. Should the developer ignore the city's initial complaint, or the

M3 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

M4 The City appreciates the commenter's concerns that an additional burden could be placed on the court system to enforce the City grant deed unless the right of reversion of the property to the City was restored to the agreement. It should be noted first that these concerns do not speak to the adequacy of the EIR for CEQA purposes, since they do not have physical effects on the environment; economic and social impacts such as the potential additional burden on the court system do not in themselves constitute significant impacts under CEQA. Economic and social impacts may be used as evidence for the significance of a physical impact – but there is no physical impact that these considerations pertain to. Subdivision of the property in and of itself will not create any new physical impacts, but will merely allow for easier financing and phasing of construction – which would be occurring whether the property is subdivided or not.

In any event, the City believes the grant deed's arbitration provisions will be sufficient to enforce the agreement without undue burden on the court system, as most disputes should be resolved through arbitration. In addition, it should be noted that the original agreement prior to the removal of the reversion provision also allowed for arbitration and litigation in certain circumstances to enforce the agreement's terms; as such, any additional burden to the court system arising from the removal of the reversion provision is not likely to be significant.

The City does not believe that it is appropriate to amend the grant deed to restore the reversion provision. The proposed project does not include any changes that would otherwise require the applicant and the City to reopen and renegotiate the existing agreement. In addition, since the reversion provision was originally removed to facilitate financing of the property, putting the reversion provision back by means of an amendment to the agreement could impair the applicant's financing efforts and the development of the property as contemplated by the proposed project. As such, neither the applicant nor the City believe it is necessary or prudent to renegotiate the City grant deed that has worked successfully for many decades.

orders of the binding arbitration, then the City Council could cause the property to revert to the city.^{1, 2}

A third subsidiary agreement dated December 18th, 1963, changed the procedure for handling disputes. If the dispute could not be handled informally, it still MUST be submitted to arbitration. If the developer ignored the City's complaint, or the order of the arbitration board, the City could seek appropriate relief after 120 days in "any court of competent jurisdiction for appropriate relief to require the elimination, correction or rectification of the said violations or breaches."³ The City could seek this alternative solution only if they gave up the right of reversion. If they did not pursue this alternative, the City, acting through the City Council, could seek a reversion of the property as described above.

M4
Cont.

However, the sixth subsidiary agreement in the composite agreement dated June 3, 1966, eliminated the reversion provision. In the case of a perceived breach by the developer, as detailed in the earlier agreement, the City could try to settle informally, and if that failed the City MUST take the dispute to arbitration. If the developer failed to carry out the orders of the arbitration board, then the only alternative for the city would be to take the dispute to "any court of competent jurisdiction." "The remedy provided by this paragraph shall be exclusive." The paragraph concerning reversion was deleted. By deleting the reversion provision, the entire burden for enforcement is placed on an already burdened court system. This is not to imply that such an approach would be inconsistent with the current likelihood that the court will uphold an arbitration decision, however this exclusive approach may be laborious, time-consuming and expensive for both the city

¹ Paragraph 8C in the original agreement, addresses the document of completion deliverable to Salk by the City after completion and initial operation of the original buildings, the North and South laboratories. The City's right of reversion would no longer be available with respect to these initial buildings after Salk obtained the document of completion. It logically would be applicable however to future construction not detailed in the original agreement. This language should be clarified.

² Report by the City Manager to the Honorable Mayor and City Council, dated June 8, 1965, reports on a certificate of completion statement dated May 28, 1965. (See attachment 1.)

³ The language relating the arbitration provisions and the option to take the dispute to court could be clearer. Since the arbitration uses "shall" language, it MUST happen before either the court option or the reversion option would be available. Our interpretation of the language is that if the dispute is still not settled after binding arbitration, then the City would have the option under subsidiary 3 of taking the matter to court to obtain a remedy or to proceed with the reversion action.

COMMENTS

RESPONSES

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M4
Cont. and Salk or its successor in interest. Irreparable damages to the parcel might ensue. The reversion provision could provide the City with a more efficient means to enforce the agreement. The City should consider restoring this provision and clarifying the language that pertains to the City's remedies to a breach of the agreement.

M5 **Location of "temporary" buildings on City property**
A letter from John P. Fowler, Deputy City Manager, dated April 2, 1980, states that the City granted a Temporary Use Permit to Salk (and to UCSD who also was occupying the land) for a period of 2 years. (See attachment 2.) A plot plan diagram that accompanied the letter indicated that the temporary buildings were located on city land (thus the need for a Temporary Use Permit). Another property line is indicated to the North that is labeled "CITY/SALK PROPERTY LINE?" Please clarify whether these buildings are still located on City land, and where the actual Salk property lines are located. Please include any documents that describe a land exchange, or any agreements that modified the original Salk property boundaries.⁴

M6 In summary, the Friends of Rose Canyon endorses and incorporates by reference comments on the DEIR offered by the La Jolla Farms Homeowners and the University City Planning Group. We have pointed out that the agreements between the City of San Diego and Salk do not provide an exception for the construction of a day care center, so the agreement must be modified accordingly. We have also suggested that the language that pertains to the certificate of completion and its scope of impact to the reversion provision should also be clarified. In addition, we recommended that the City consider restoring the reversion provision for cases in which Salk or a successor party have breached and not repaired a provision or provisions of the agreement. The language that pertains to the City's remedies for breach should also be clarified. Finally, we have asked for clarification of the location of "temporary" buildings with respect to Salk/City property lines.

⁴ The La Jolla Farms Homeowners comment letter refers to the temporary buildings (p. 16) with respect to promised removal as a condition for project approval in 1991.

M5 The temporary buildings are not located on City land anymore, but are fully within the limits of the Salk Institute property boundary. Please see EIR Figure 2-3 for an aerial photograph of the Salk campus and current property lines (which encompass the temporary buildings) and Figure 3-1. Page 5.1-3 of the EIR explains that an additional CUP Amendment effectuating a land exchange between the City and the Institute was granted in 1985. The land swap eliminated 2.57 acres of Salk land from the southwestern end of the property in exchange for 2.3 acres of City-owned land on the southern end of the north mesa (including portions of Pueblo Lots 1323 and 1324). A portion of the land that Salk obtained from the City in the 1985 CUP covered the "site of temporary buildings" as shown on Attachment 2 of the comment letter. The documents describing the land exchange and CUP amendment including a grant deed from the City to the Salk Institute and a quitclaim deed from the Institute to the City, are part of the public record on file and available for viewing at the City.

M6 Comment noted. Please see responses to comments M1 through M5.

REPORT

TO THE HONORABLE
MAYOR AND CITY COUNCIL

FROM THE CITY MANAGER

JUN 8 1965

(FOR ACTION)

SUBJECT: Salk Institute - Recordable Document of Completion and Commencement of Operations.

The Salk Institute entered into an agreement dated January 12, 1961, with the City of San Diego, which agreement has been amended in part by a subsidiary agreement and second, third, amended third, fourth and fifth subsidiary agreements. Pursuant to the agreement, the City conveyed certain real property to the Institute, and the Institute, pursuant to plans and specifications approved by the City and a building permit issued by the City, has constructed on said real property a research and study building designated in Paragraph 6B of the agreement as the initial improvements.

Paragraph 6C of the agreement provides that the Institute may, after completion of the initial improvements and commencement of the Institute's operations, apply to the City for a recordable document of completion and commencement of operations which, when delivered and recorded, shall cause the provisions of Part A of Paragraph 6 of the agreement, relating to the City's right of reversion under certain circumstances, to be void and of no further force and effect.

Dr. Jonas E. Salk, President of the Salk Institute for Biological Studies, by letter dated June 1, 1965, requests that the City authorize, execute and deliver to the Institute, a recordable document of completion and commencement of operations in accordance with Paragraph 6C of the agreement whereby, upon recording, the provisions of Part A, Paragraph 6, of the agreement as to reversion for failure to perform the requirements of Paragraphs 6B and 6C thereof shall be void and of no further force and effect.

The Property Director, in cooperation with the Attorney's office, has reviewed the agreement and amendments thereto, and the Building Inspection Director has conducted a survey of the facility in order to determine that the terms and conditions of the agreement have been satisfied. The review of the agreement and amendments thereto and the survey of the facility reveal the fact that all terms and conditions of the agreement and amendments thereto have been satisfied, and that the facility has been completed and operations have been commenced. Haskins & Scolls, Certified Public Accountants, have issued a certified statement dated May 28, 1965, certifying to the City and the Institute the date of completion was May 28, 1965.

Copy: City Clerk

Distributed to Council _____



THE CITY OF SAN DIEGO, CALIFORNIA

000357

COMMENTS

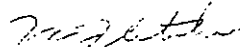
RESPONSES

²
Salk Institute

and the cost of the initial improvements as of April 30, 1965 was \$14,000,000. An Architect's Certificate, dated May 28, 1965, was issued by Louis I. Kahn, Architect FAIA, certifying to the completion of the facility as of May 28, 1965.

It is recommended that you approve the resolution authorizing the issuance of a recordable document of completion and commencement of operations.

Respectfully submitted,


T. U. Fletcher,
City Manager

000358



THE CITY OF

SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF 92101

OFFICE OF THE
CITY MANAGER
236-6363

April 2, 1980

The Salk Institute for Biological
Studies, San Diego, California
P. O. Box 85800
San Diego, CA 92138FILED
OFFICE OF THE CITY MANAGER
SAN DIEGO, CALIFORNIA

Gentlemen:

Re: Temporary Use Permit - Portion of City-owned Land Adjacent to Salk Institute

The Salk Institute for Biological Studies, San Diego, California (Salk) is occupying the site shown on the attached drawing, pursuant to a Temporary Use Permit originally issued in 1963 and orally extended thereafter without term. The University of California at San Diego (UCSD) is occupying a portion of said property, pursuant to an agreement with Salk. It is agreed that the terms and conditions of the Temporary Use Permit should be modified and fixed as hereinafter set forth.

Permission is hereby granted to Salk, and through Salk to UCSD, to enter and remain on the property on which the temporary buildings are located, as shown on the attached drawing, subject to the following terms and conditions:

1. Permittee's use of the above-referenced property shall be limited to the property and buildings currently shown on said drawing and shall be used as temporary laboratory facilities for the Permittee (Salk) and UCSD.
2. This Permit shall be in effect for no longer than two (2) years, beginning on the date of execution hereof by Permittee, and may be terminated on thirty (30) days' advance written notice by either party.
3. Consideration for this Permit shall be Two Hundred Fifty Dollars (\$250.00) per year, payable in advance, as of the date of execution hereof by Permittee.
4. Permittee certifies that a policy of liability insurance in which "The City of San Diego" is named as an additional insured is in effect in an amount not less than \$1 million combined Single Limit Liability, and said policy shall be kept in force for the duration of this Permit. A certificate of said insurance shall be filed with the City Property Department upon execution of this Permit.

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5. Permittee shall assume the defense of, and indemnify and save the City of San Diego harmless from all claims, expenses and liability of every kind, nature and description, resulting in any manner from the use or condition of the property hereinabove described and any and all operations conducted thereon which use, condition or operation occurs during the period of time Permittee occupies said property.

6. Permittee recognizes and understands that this Permit may create a possessory interest subject to property taxation and that the Permittee may be subject to the payment of property taxes levied on such interest, and agrees that such tax payment shall not reduce any rent due to City hereunder, and agrees that any such tax shall be the liability of and be paid by the Permittee before becoming delinquent.

7. All risk in connection with Permittee's use of said property and any damages to the improvements thereon, thereunder, or in the vicinity thereof shall be borne in full by Permittee.

8. Permittee shall not use the premises in any manner which in the opinion of the City Manager of the City of San Diego creates a nuisance or disturbs the quiet enjoyment of the persons in the surrounding area.

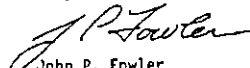
9. It is mutually agreed that the City shall not be obligated for any loss, financial or otherwise, which may be incurred by Permittee, as a result of termination of this Permit. Permittee expressly waives any claim of expense or loss which Permittee might incur as a result of termination of this Permit.

10. Upon revocation or other termination of this Permit, Permittee shall be given a reasonable time, not exceeding six months, to remove said improvements from the property and restore said premises to its original state, subject to the reasonable satisfaction of the City Manager and at no cost to the City.

11. By acceptance of this Permit, both Salk and UCSD agree to be bound by the terms hereof.

Please acknowledge your agreement to the foregoing terms and conditions by signing the enclosed copy of this letter and returning it to the Property Department together with the required Certificate of Insurance, and your check, made payable to the City Treasurer, for \$250 to cover consideration for this year.

Very truly yours,


John P. Fowler
Deputy City Manager

Enclosures

COMMENTS

RESPONSES

000361

The above is acknowledged and accepted
this 27 day of May, 1980
THE SALK INSTITUTE FOR BIOLOGICAL STUDIES,
SAN DIEGO, CALIFORNIA

By Robert E. Young
Executive Vice President
Authorized Representative

The above is acknowledged and accepted
this 2 day of June, 1980
THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, ~~XXXXXX~~
ON BEHALF OF THE SAN DIEGO CAMPUS

By Elizabeth C. Brown ASSOCIATE SECRETARY
Authorized Representative

APPROVED AS TO FORM
David A. Brown
DAVID A. BROWN
ASSOCIATE COUNCILOR OF THE REGENTS
OF THE UNIVERSITY OF CALIFORNIA

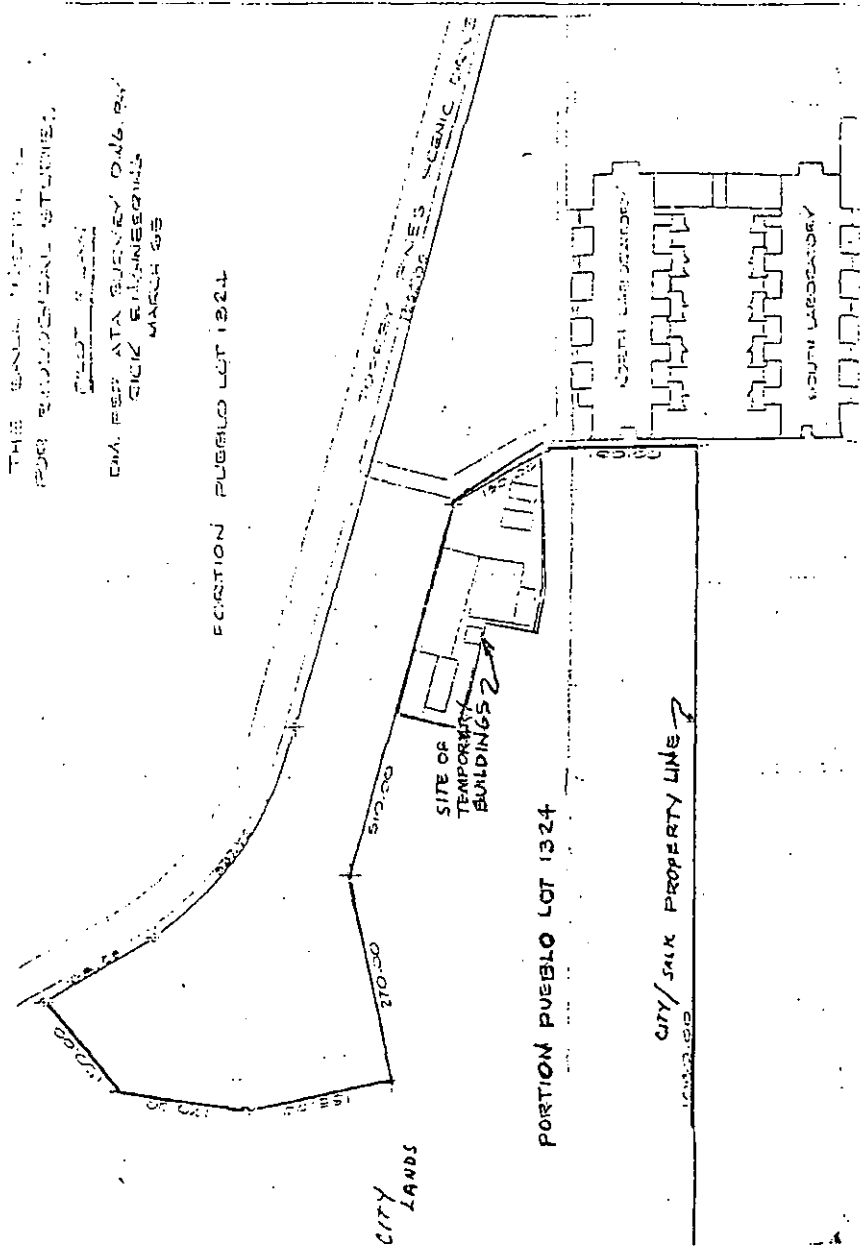
Negative Declaration Verified
and/or property is exempt
from EIR:

James F. Gleason
James F. Gleason 6-2-80

Approved as to form and legality this
2 day of June, 1980
John W. Witt, City Attorney

By John W. Witt
Deputy City Attorney

RESPONSES



RTC-69

000362

COMMENTS

RESPONSES

COURTNEY ANN COYLE
ATTORNEY AT LAW

HELD-PALMER HOUSE
1809 SOLEDAD AVENUE
LA JOLLA, CA USA 92037-3817

TELEPHONE: 858-454-8887 E-MAIL: COURTCOYLE@AOL.COM FACSIMILE: 858-454-8493

RECEIVED

MAY 07 2007

Development Services

Allison Sherwood, Environmental Planner
City of San Diego Development Services
1222 First Avenue, MS 501
San Diego, CA 92101

Delivered by Hand
May 7, 2007

Re: Salk Institute Master Plan
Project No. 44675, SCH No. 2004111049

Dear Ms. Sherwood:

N1

On behalf of the La Jolla Farms Homeowners, we submit the following comments regarding the proposed Salk Institute Master Plan.

N2

Level of CEQA review: DEIR claims it is a Project EIR pursuant to CEQA Guidelines section 15161 (DEIR, page ES-1). However, no specific design or landscape plans have been proposed for the five Community Center buildings or twelve residential housing components (DEIR, page 5.3-9). Moreover, the proposed master plan may build-out over thirty to fifty years. (Tech. App. C, Historic Resources Technical Report, page 1). By trying to call this a Project EIR, the applicant is hoping to head off further environmental review. This is contrary to CEQA, in that projects that are built out over a substantial period of time or in phases be programmatic environmental documents subject to appropriate, future tiered environmental review. The tiering process generally contemplates that agency decisions will move from the general to the specific by focusing first on a large land area and focusing later on smaller areas within the large area. (Remy, Thomas, et al., *Guide to CEQA*, 11th ed., page 605). This tiering aspect is

000363

N1

To the applicant and City's knowledge, the commenter represents only four of the homeowners in the La Jolla Farms development who are directly adjacent to the proposed project, along with organizations such as the "Friends of Salk Canyon" that some of the neighbors have stated that they established and funded. It should be noted that the La Jolla Farms Homeowner's Association, itself, did not comment on the adequacy of the EIR.

N2

As noted on pages ES-1 and 1-2 of the EIR, this document is a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. Pursuant to Section 15126 of the State CEQA Guidelines, all phases of the project have been considered when evaluating its potential impacts on the environment. As such, the EIR examines all phases of the project, including planning, construction and operation, and all aspects of the project that are reasonably foreseeable have been analyzed. Because building footprints and massing are currently unavailable for the latter phases of the project and the applicant is proposing Design Guidelines to direct project implementation, which the City extensively reviewed and commented on during the application process, the level of project information was appropriate to evaluate all potential impacts and to prepare a Project-level EIR. Should substantial changes later be proposed or any of the project assumptions or environmental circumstances contained in this document change at some point in the future when the latter phases of the proposed project are implemented, the City would require subsequent environmental review per Section 15162(c) of the State CEQA Guidelines, if any of the conditions described in Section 15162(a) of the State CEQA Guidelines occurs.

COMMENTS

RESPONSES

N2 cont.

A Program EIR is normally prepared for a multi-phase project where future phases are uncertain (e.g. contingent on the market) and where sufficient information for detailed environmental review of future phases is not yet available. As such, it does not require the same level of detail for future phases as does a Project EIR, and is reserved for circumstances where the applicant and the nature of the project require phased construction or phased planning. By contrast, sufficient information is presented in the EIR for the Salk Institute Master Plan project to allow for complete environmental review of its phases under CEQA. Therefore, a Project EIR was the appropriate document to prepare.

Furthermore, the applicant has indicated to the City that it would prefer to construct the entire project in a single phase, in the event sufficient funding becomes available. As such, it is especially appropriate for the City to conduct its CEQA review as a Project EIR. However, because the applicant is a non-profit, which may experience delays in project funding from time to time, the City permits will allow for the project to be developed at a slower pace. The City believes it is important for the applicant to provide a Project EIR level of detail, in the event full funding becomes available to construct the project at once. As such, it is within the City's discretion to prepare a Project EIR under CEQA Guidelines Section 15161.

The City has not given away its CEQA oversight in any respect. The City is simply following good public policy by providing all available details about the project impacts, while providing a process for additional CEQA oversight if there are substantial changes in the project.

000364

COMMENTS

N2
Cont.

also reflected in the project's need for a Master rather than a regular Planned Development Permit. (DEIR, page ES-7). It is against good public policy for the City to give away its CEQA oversight for traffic, storm water run-off, energy and other impacts during this phased, long-term project. Please explain if this is a Programmatic or a Project EIR.

N3

Similarly, we request that you strike the following paragraph: "This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, state, and federal permits and/or approvals which might be needed to construct or implement the proposed project, whether or not each approval is explicitly listed below or elsewhere in the EIR." (DEIR, ES-6, 1-3, 3-18, etc.). The EIR is ultimately the City's document; neither the City, the State, nor the Federal government can sign away their discretionary or permitting functions in perpetuity.¹ It appears that through the proposed regime the Institute is asking the City and other agencies to limit their future discretion in violation of law and public policy. Please explain.

N4

Objection to Vesting Tentative Map: The DEIR fails to establish a compelling need for subdivision of the historic property into four parcels. It is neither in the community's nor the City's best interest to allow vesting of project approvals without there being a trigger for additional environmental review (as necessary) as the project phases are built out over several decades. Please describe the "certain" project approvals the applicant anticipates vesting. (DEIR, ES-7 - 8). This land, once City Parkland (Tech. App. C, Historic Resources Technical Report, pages 30-31), was gifted to the Institute; citizens properly care that the property is being used consistent with the terms of the gift: for scientific research by Salk. Our concern is underscored by the statement that: "The Salk Institute currently owns the project site and would retain the right to sell the property in part or whole." (Tech. App. B, Biological Technical Report, page 34). Please describe how the

¹ For example, the DEIR admits that the Institute's existing traffic contributes to cumulatively significant traffic impacts (DEIR, page ES-11). If prior campus and other local development/additions had been made in full conformity with CEQA, one could expect there would be no such residual impacts. The fact is that they did occur and other future impacts may occur when current mitigation is, or becomes, inadequate over time.

RESPONSES

N3

The EIR statement mentioned in this comment is not intended to and does not require the City, state and federal governments to sign away their discretionary approval or permitting functions on this project. The EIR is an information document, discussing the impacts and mitigation related to the project and is intended to assist decision-makers when they exercise their discretion to approve or disapprove the permits for the proposed project (see Section 15151 of the State CEQA Guidelines). CEQA encourages cooperation among local, state and federal agencies in the preparation of environmental analysis documents in order to reduce duplication of effort. Although the City of San Diego is the Lead Agency on this project, it has cooperated with numerous state and federal agencies, acting as Responsible Agencies, in the planning and preparation of this document. Therefore, the intent of the statement in the EIR is to recognize that the document has sufficient information for each governmental entity to exercise its discretion on a future permit. To the extent that this EIR does not contain sufficient information for each permitting agency to make a decision, additional analysis would be provided in accordance with Sections 15162(c), 15163 and 15164 of the State CEQA Guidelines through preparation of a subsequent EIR, supplemental EIR or an addendum, respectively. Certification of this EIR does not equate to the approval or disapproval of any existing or future permit for the project. The City is not giving away its CEQA oversight of the proposed project, as suggested by the commenter. Should the City certify the EIR and approve the proposed project, it would be simply acknowledging that the applicant has provided substantial evidence in support of findings necessary for the issuance of the requested permits are valid and that they can be implemented by the applicant provided future plans are substantially consistent with the analysis in this EIR.

N4

Under state law, the choice between a tentative map (TM) and vesting tentative map (VTM) is not one the City can control. It is a decision of the project applicant under Government Code Section 66498.1(a). Per Government Code Section 66498.8, a City must adopt ordinances and resolutions necessary or appropriate for the implementation of the Subdivision Map Act. The Salk Institute property cannot be subdivided into smaller legal lots without processing and approving a TM. As stated in the EIR (pages ES-6 and 3-16), subdivision of the property into multiple lots, generally consistent with the potential construction phases, is needed to facilitate potential financing of each construction phase. When a local agency approves a VTM under Government Code Section 66498.1(b), that approval confers a vested right to proceed with development that is in substantial conformance with the ordinances, policies and standards in effect at the time the application for the VTM is deemed complete. This vested right does not apply to development activities that are not in substantial conformance with the VTM nor does it limit the application of new conditions of approval required to comply with state or federal law or to avoid conditions dangerous to health and safety per Government Code Section 66498.1(c). Therefore, with these exceptions in mind, development approvals that vest are all those City development permits necessary to develop the project in substantial conformance with the laws in effect at the time and with the VTM.

Although the property was once gifted to the applicant for scientific research use, the Salk Institute cannot by law sell any part of the property off. The statement quoted in the comment from the Biological Technical Report is incorrect and did not appear in the EIR, nor was it used as the basis of any analysis in the EIR.

000365

COMMENTS

RESPONSES

N4 cont.

Furthermore, sale of portions of the subdivided Salk property for construction of condominiums or other residential uses is clearly prohibited by Paragraph 6.D of the City grant deed recorded on March 13, 1961, between the applicant's predecessor and the City, which limits housing on the property to the following:

"Appropriate housing for visiting scientists and scholars, for scientists and scholars "in residence" temporarily until they can find suitable accommodations off the site, for maintenance personnel, and to appropriate apartments for short-term guests and for the Director of the Institute."

Other for-profit uses of the Salk property (e.g., construction of commercial or office space not related to Salk's research mission) would be prohibited by the terms of Paragraph 7 of the City grant deed, which states that the property shall be used "only" for specified nonprofit research-related purposes. (See further discussion of this point, with the text of Paragraph 7, below in response to comment N12.) In general, this language would appear to implicitly prohibit any transfer of the property for any purpose other than for the operation of a non-profit research facility.

Under Paragraph 8 of the original City grant deed, if the terms of Paragraphs 6 or 7 are violated, the City has the right to cause the entire property with its improvements to revert back to the City, following the conclusion of arbitration proceedings or litigation to determine that a breach has occurred. Paragraph 8 of the City grant deed was later amended several times, primarily to provide for certain mortgagee protections – the reversionary right to City was removed in one such amendment to the City grant deed, and the provisions were further modified to instead require that the City file a lawsuit to prevent use of the property for any other purpose. However, Paragraphs 6 and 7 were not changed, so the restrictions on use remain the same.

It should also be noted that the original reversion right was specifically incorporated into the original grant deed to Salk (which stated only that the grant of the property was subject to the City grant deed and the first amendment to it, and did mention any later documentation), so it would seem somewhat difficult to argue that this reversion right does not apply based on any such later documentation. Even if the revised language without the reversion right would apply, the City has ample rights to prevent the applicant from conducting any other use of the property, including by enforcing its rights under the City grant deed and/or by enforcing the requirements of the permits described below.

The subsequent permits and entitlements granted to the applicant, and the new proposed permits (including a Coastal Development Permit, amended Conditional Use Permit, Site Development Permit/Planned Development Permit, etc.) further specify that the property may be used for scientific research and related purposes only. Any amendment to these permits and entitlements in the future (e.g. to allow a different use) would require a discretionary decision by the City (with accompanying public hearing) – it would, therefore, seem unlikely that the City would ever grant such a use.

000366

COMMENTS

- N4
Cont. conditions of project approval will continue to attach to the parcels if they are sold or leased by the Institute.
- N5 Inconsistencies regarding phasing: The DEIR states that the first phase would include the daycare facilities, Torrey East Building and parking, greenhouses, and north lawn core facility and shops, and that future phases would include the Community Center buildings and temporary housing quarters. (DEIR, page ES-6). Yet later the DEIR says that the greenhouses would be a future-phase project (DEIR, page ES-10) and other sections of the document list other orders (DEIR, page 3-17). Please clarify and explain why a phasing order is not being required by the City.
- N6 Subsequent discretionary review is proposed by the applicant to be limited only to future-phase components of the project and only through the controversial Substantial Conformance Review process (SCR). (DEIR, page ES-10). To be consistent with Historic Resource Board (HRB) direction, the DEIR must clearly state that HRB staff (with the advice of the Board) and not Development Services' staff, will make determinations regarding SCR consistency for all historic resources. Yet, the DEIR appears internally inconsistent (i.e., compare page ES-10 to page 3-5).
- N7 What are the "previously conforming uses" proposed for expansion? (DEIR, pages 3-18, 5.1-22). Typically, this refers to enlargement of existing structures -- not constructing new structures. Please explain.
- N8 The Design Guidelines (DGL) were not circulated with the DEIR even though they address various general details of design such as building height, bulk and massing, site orientation, architecture, building materials and landscape layout, features and materials (DEIR, page ES-6-7) and facility siting, building articulation, equipment screening, service areas, walls, fencing, signage and outdoor lighting, proximity to the Multi-Habitat Planning Area (MHPA), and the preservation of existing view corridors and vistas (DEIR, page 3-5). The DGL is also the document against which substantial conformance review will be measured. (DEIR, page 3-5). The DEIR is internally inconsistent about

RESPONSES

- N5 The EIR is not inconsistent with its description of project phasing contained on page 3-17 and in the Design Guidelines on file with the City, which list one possible sequence of construction. However, project phasing and timing of development will be dependent on research demands and the availability of capital to fund the improvements (as stated in Section 3.3 of the EIR), and that the actual sequence of construction could be different. The EIR has evaluated the impacts of implementing all project phases, regardless of when or in what order they are implemented. A specific phasing order is not required by the City because the phasing presented in the EIR has been found to be acceptable in accordance with the Master PDP regulations of the City's Land Development Code. In any event, all phases of the project have been considered when evaluating potential impacts on the environment. The modification of proposed phases would not be a substantial change to the project that would leave to new significant impacts.
- N6 Section 3.2.2 of the EIR describes the entitlement process proposed by the applicant. Under state law described above in response to comment N4, a VTM gives the applicant the vested right to develop the project in substantial conformance with the laws and ordinances in effect at the time the application is deemed complete. The City's SCR process, described in San Diego Municipal Code (SDMC) Section 126.0112, is currently in effect and is anticipated to be at the time the application is deemed complete by the City. Therefore, the EIR merely identifies that the SCR process is among the ordinances applicable to the project and is the legal process by which the City may determine whether future changes to the project conform to the VTM and other entitlements. If a change to the project is proposed that does not substantially conform to entitlements, the applicant would have to comply by obtaining an amendment and the applicable public notice requirements. As noted on page 3-5, Historic Resources Board staff will be involved in the SCR review process to verify consistency with development permits and adopted Design Guidelines as it relates to historic resources. The EIR is not internally inconsistent, as suggested in this comment, because the text on page ES-10 is from the Executive Summary of the EIR and does not contain (nor is required to contain) the same level of detail as the remainder of the EIR. The section states in summary format that subsequent discretionary review will determine project compliance with the Historic Resource Regulations, which is part of what HRB staff review would address. A more thorough description of the HRB's involvement in the SCR process is contained in Section 5.4 of the EIR (see page 5.4-11).
- N7 The previously conforming uses referenced in the EIR are the scientific research and support uses that exist today, as allowed by the existing entitlements listed on page 3-1 of the EIR. Amendments to existing permits and new permits are required to construct all new buildings on campus, as described on page 3-18 and 3-19 of the EIR.
- N8 Copies of the Design Guidelines are part of the public record on file with the City and have been available during the EIR public review period. Since the EIR contains a sufficient level of detail regarding the proposed improvements to allow approval of the project under CEQA, here is no requirement under CEQA to circulate the Design Guidelines or include them as an appendix to the EIR; the City is only required to make them available to interested parties upon request. No requests for the Design Guidelines were received from the commenter or anyone else during the EIR public review period.

COMMENTS

RESPONSES

N8
Cont.

what the Design Guidelines cover and whether they apply to all project components (i.e., compare page ES-6 to page 3-5). The DGL must be included in the circulated Appendices to the DEIR.²

Many concerns remain with the Design Guidelines regarding internal and external consistency and accuracy. Please see attached outline for items requiring revision and the rationale. (Attachment I).

N9

Objection to SCR process. (DEIR, page 3-4). There has been general and specific controversy regarding the SCR process. The process has been the subject of citizen lawsuits in recent years; moreover, the Institute previously used this process to build – and to try to build – significant project components, such as the underground vivarium and surface parking lots. The individual La Jolla Farms Homeowners expect and request to be notified when the Institute approaches the City for any SCR application.

N10

No stable and accurate project description. In prior plans, the Institute showed a fitness facility within the proposed south mesa facilities. More recently, the Institute has referenced an ambiguous “multi-purpose room” and yoga classes. Kahn did not envision such uses in his Master Plan or include such non-residential facilities on the south mesa. Moreover, the DEIR does not discuss these uses or their impacts. Further, what would happen if the Institute sold memberships to outside persons to support the venture? Or, if both the fitness and daycare uses become private enterprises leasing from the Institute and open to the public? What use conversion might occur if faculty participation alone cannot support the uses? What additional traffic and parking impacts might occur and would this be consistent with grant deed conditions?

N11

No model has been presented for the project. This is unprecedented. A model of the Kahn Master Plan was made in the 1960s and one was made for the controversial East Building

² The applicant told the UCPG that they previously had been given a copy of the DGL. However, there were many prior versions of that document. The DEIR needs to cite the date of the DGL it is referring to, and the applicant needs to ensure that that is the same version the Planning Group, and others, are operating from.

N8 cont.

The comments contained in Attachment 1 to this letter pertain to an older version of the Design Guidelines and were submitted to the applicant by the commenter several months ago. These comments were addressed, where appropriate, by the project applicant in the current version of the Design Guidelines on file with the City. The Design Guidelines apply to the entire property, including the three buildings whose architectural details are conceptual in nature as stated on page 3-5 of the EIR. Please note that, although they are in the conceptual design stage and subject to the Design Guidelines, the greenhouses may still be developed in the first phase of the proposed project as shown on page 3-17 of the EIR.

N9

The applicant can apply for SCR review of its subsequent elements of the project in accordance with the SDMC as described above in response to comment N6. The SCR Process Two decision requires public notification in accordance with City standards set forth in Section 112.0112 of the SDMC, including providing qualifying individuals a Notice of Future Decision on the SCR application. An interested party may also request special notice of any public hearing by providing a written request to the City of San Diego Planning Department.

N10

The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

N11

There is no requirement under CEQA to provide a model of the proposed project. Computer-generated visual simulations have been provided in the EIR (see Figures 5.2-23 through 5.2-29) to demonstrate to the decision-makers and public the project's appearance from publicly accessible locations.

000368

N11
Cont.

in the 1990s. Why has no model of the new Master Plan Development been produced? We request that one be immediately constructed and made available for community planning, neighborhood, and other public review to better understand project siting, spatial relationships, and topography of this complex site.

N12

The applicant's latest spin is that it is following the design intent of master architect Louis I. Kahn. However, there are many significant differences between the Institute's latest plan and the Kahn Plan (see, Overlay Graphic, Attachment 2)³:

- South Mesa: The DEIR states that the daycare facility was "anticipated by Kahn in the 1961 Master Plan." (DEIR, page 5.4-15). This is a fabrication by the Institute's consultants; no evidence has been provided for this assertion. Kahn's plan showed *only residential uses on the south mesa*; the new plan places uses unrelated to residential on the south mesa, creates inappropriate land use adjacencies, extends and widens Salk Institute Road⁴, and adds significant surface parking – each inconsistent with the Kahn Plan.

The DEIR also asserts that development would be constructed in "approximately the same locations." (DEIR, page 5.4-15). This is also untrue; as can be readily seen on the provided graphic, the siting and design of the residential units has significantly changed. Instead of being depressed and organically sited, the units and associated landscaping and parking are now blocky, regimented, and no

³ Private parties had to prepare this graphic themselves as the Institute did not include an overlay graphic of the Kahn and new Master Plan in the DEIR, even though they had shown such a graphic at earlier public meetings. Our graphic includes and approximates the areas for new hardscape, sidewalks, turn-arounds, drop-off areas, single-loaded parking areas and required landscaping, underground parking ramps, loading areas etc. because they would alter the site and landscaping plans.

⁴ In the Growth Inducement section, the DEIR erroneously states that the project would not require the expansion of any roads. (DEIR, page 6-2). Development on the south mesa would require the extension, widening, and paving of an existing private dirt road. Similarly, this section erroneously states that development of the site would not open up a new area to construction since there is no undeveloped land in the area. The entire south mesa – approximately 8 acres – is undeveloped.

N12

Page 5.4-15 of the EIR erroneously stated the daycare use was anticipated in the 1961 Master Plan and that error has been corrected in the Final EIR. The daycare facility and housing quarters are no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

000369

COMMENTS

RESPONSES

N12
Cont.

longer follow the contour of the landform.⁵ As noted above, the daycare facilities cannot be "in about the same locations" since they were never proposed by Kahn.

N13

The Institute represents at public meetings that none of the south mesa development would be visible from the courtyard; yet this guarantee does not appear as a condition of project approval in the DEIR. Instead, the DEIR states that, "The rooftop of the daycare group rooms would rise approximately 12 feet above the finished grade to approximately 367 feet amsl, at or slightly above the elevation of the southern property boundary in the vicinity of the facility." (DEIR, page 3-9). Would any of these facilities be visible from any vantage point in the courtyard? It must be a condition of project approval that no buildings on the south mesa would be visible from any courtyard vantage point, including the western seating areas, and further, that violation would result in removal or reduction of the visible structures. Moreover, the residential units are not dispersed and lack garden patio design; instead, they are stacked boxes up to 30 feet, the maximum allowed height limit.

N14

- North Mesa: shows more hardscape than the Kahn Plan with no trees to soften the view from the courtyard to the Community buildings (DEIR, page 3-8), contrary to Kahn's design (the visual impact of subsidiary structures was partially minimized through strategic tree planting and siting; see, Tech. App. C, Historic Resources Technical Report, page 40). This also appears to be inconsistent with the findings for a Master Planned Development Permit (PDP) which include that, to the greatest extent possible, landscaping should be used to soften the appearance of blank walls and building edges. (Compare DEIR, page 5.1-9 to DEIR, Figure 5.2-27).

N15

- East Mesa: The DEIR erroneously asserts that Kahn planned for future development that area of campus now occupied by the Kahn-designed east

⁵ Curiously, an earlier site plan the Institute gave to its Geology Consultant shows the residential units oriented more similarly to the Kahn Plan. (Tech. App. I, Attachment 1). Why was the residential site layout changed from earlier plans to the current regimented plan?

N13

The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

N14

These comments do not address the adequacy of the EIR. For clarification of the project description, hardscape, in the form of a terrace area, would only occur around the Salk Community Center Building and perimeter wall around the parking garage. Landscaping is proposed atop the parking garage. No trees are proposed between the courtyard of the existing Institute laboratory building and the north mesa because such trees would block views across the north mesa to the Pacific Ocean from Torrey Pines Scenic Drive. The project is consistent with Master PDP findings because landscaping would be installed along walls and buildings to soften their façade as required by the Design Guidelines.

N15

Revised Exhibit A from the 1962 amendment to the 1961 Kahn Master Plan has been added to the Final EIR (see Figure 5.1-1a) to show that Louis Kahn anticipated future development on the east mesa. Because funding for that development was not available in the early 1960s, Kahn revised the Master Plan in July 1965 to show future development and the layout of the east parking lot (called Exhibit X by Louis Kahn and included as Figure 5.1-1b in the EIR and Historic Resources Technical Report). It is the opinion of the historic resources consultant that Kahn never intended to create visual access through the property. Specifically, Kahn hired a landscape architect to design and install dense perimeter plantings to create a more secluded atmosphere for the scientists. As such, visual access to the Kahn building would not be obstructed by the proposed project because of the dense perimeter landscaping and the historic eucalyptus grove adjacent to the building on site (see Figure 5.2-16 of the EIR). Only a "hint" of the historic building is even visible from the sidewalk along North Torrey Pines Road and no view is accessible from the travel lanes. The atrium component of the Torrey East Building sufficiently retains the visual and axial connection with the historic structure and its courtyard that exists today. Cross-section 5 in Figure 3-3 of the EIR illustrates the buildings' relationship to the Kahn laboratory building. As noted on page 5.4-16 of the EIR and in the National Register nomination, the east parking lot is not one of the "four basic landscape components" of the Salk campus identified in the nomination text. Therefore, impacts to the historic landscaping were determined to be significant but mitigable. Refer to response to comment F5 for additional discussion on this topic.

000370

N15
Cont.

parking lot. (DEIR, pages 5.4-16, 5.4-18, 5.4-19, etc.). Yet even the Institute's own "Exhibit X" does not show above-ground structural development in that area. (Tech. App. C, Historic Resources Technical Report, Attachment). The Torrey East Building is proposed in a location that historically was never proposed for development and that currently provides public visual access to the Kahn Buildings.⁶ This would eliminate Kahn-designed landscaped parking, a significant feature of the landscaping and design recognized in the National Register nomination.⁷

N16

The original site layout for the new master plan showed the East Building separated. (DEIR, page 4-1, Figure 8-1). Currently, the East Building has no separation impacting light and spatial aspects with the Kahn structures. It clearly is a large building with an imposing façade and cannot be deemed a "relatively low profile" building, as asserted in the DEIR (*Compare* DEIR, page 5.4-18 with Figure 5.2-25). In light of the controversy the current monolithic design is stirring among the public and historic preservation communities, why is a separated design no longer being pursued? The DEIR must provide a visual simulation from the east showing the entire length of the East Building façade as proposed in order to fully assess its massing and impact.

N17

Additionally, the DEIR fails to address the loss of views of the Kahn buildings from southbound and northbound drivers/passengers on Torrey Pines Road, a scenic route designee, and from the planned park across Torrey Pines Road at UCSD. Visual

⁶ The Institute asserts that a plot plan was approved as part of the original Conditional Use Permit (CUP) "calling for" development in certain areas. (DEIR, page 5.1-2). The Historical Technical Report clarifies that a 1962 Plot Plan may have shown the area reserved for future development but that the area was re-designated and built for use as a surface parking lot on both Exhibit X and the 1965 Landscape Plan. (Tech. App. C, Landscape Analysis, page 2). First, we assert that what was built during Kahn's oversight and lifetime is what implemented his vision. However, as for Exhibit X, the plan has not been authenticated nor has it been authenticated as being marked by Kahn (*compare* with assertion at DEIR, page 5.4-13) and, in any case, it does not show development where it is now proposed for the massive Torrey East Building. Contrary to the DEIR assertions, structural development in both the east and northwest parking lots would result in substantial changes in existing site character and pose significant aesthetic impacts. (DEIR, page 5.2-19).

⁷ The DEIR misrepresents the nomination when it claims that somehow the Kahn-designed landscaped parking lot is not identified as an important component of the nomination. (DEIR, page 5.4-16).

N16

These comments do not address the environmental issues discussed in the EIR per Section 15088 of the State CEQA Guidelines. For clarification of the Torrey East Building project description, the glass atrium would provide visual connectivity from points to the east with existing buildings to the west, thus it is not necessary to physically split the building. In addition, splitting the building would reduce the amount of scientific research space proposed on site (space which is used for the applicant's primary biological science mission). Creating two separate wings would also introduce more operational inefficiencies than the proposed project, as they would not allow direct connections and would reduce collaboration among researchers. An underground connection between two wings cannot be implemented for the proposed project because the proposed parking garage must be constructed beneath the structure, thus filling the underground space.

N17

As discussed in Section 5.2 of the EIR, motorists on North Torrey Pines Road cannot see the original Kahn building from the travel lanes due to intervening topography, buildings and dense perimeter landscaping (see page 5.2-3 and Figure 5.2-16). The planned open space (not park) on UCSD campus has not been constructed. The focal point of that open space system based on the 2004 UCSD Long Range Development Plan (LRDP) EIR is views over the top of the Institute from the upper elevations of the open space (UCSD 2004). UCSD received a copy of the EIR with the proposed site plan and did not submit any written comments to the City. The UCSD Design Review Board only has a role on University proposed projects. In addition, the applicant has received written communication from UCSD physical planning staff (Brad Werdick) that, in their opinion, the proposed project would not cause any impact on views from the University's open space area.

000371

COMMENTS

RESPONSES

000372

simulations should be provided as well. Has the UCSD Design Review Board been presented with the updated site plan and DEIR showing the unbroken building?

N18

Please indicate which mature eucalyptus or other trees within the eastern parking lot and elsewhere would be removed to construct the Torrey East buildings, the north lawn core facility, and the remainder of the project. Indicate the tree type, approximate age and size, and the types and sizes proposed for replacement. (DEIR, pages 5.2-20; pages 5.3-16). The many changes to the campus pose a significant land-use impact to mature trees, including the protected Torrey Pine, that cannot be fully mitigated. Please show exactly where along the Torrey East Building it is envisioned that the historic Chinese fringe trees will be replanted. (DEIR, page 5.4-21).

N19

Project Changes: In many recent public meetings, the Institute claimed that it has reduced the height or depressed both the daycare and residential components from the site plan originally submitted to the City, compared to the plan in the DEIR. However, the DEIR section on "History of Project Changes" does not reflect that claim. (DEIR, pages 4-1 – 4-2). Please indicate specifically how much, if any, the daycare and residential components have each been depressed in height or locations adjusted to benefit the adjacent landowners' or the courtyard view?

N20

The DEIR states that the north lawn core facility will be constructed in a basement configuration and will be covered by turf. (DEIR, page 5.2-13). Please describe what is meant by "turf." Is this artificial or live grass?

N21

The five Community Center buildings should not deviate from maximum height regulations (DEIR, page 3-7). This is inconsistent with the underlying residential zone, and therefore the DEIR should not claim that the project design is consistent with existing (residential) development in the area (DEIR, page 5.2-19). The PDP regulations allow for uses that may be inconsistent with the zone (such as industrial in residential) provided that such use is consistent with the applicable land-use designation of the site. (DEIR, page 5.1-15). All five of the Community Center buildings are proposed to be overheight

N18

The trees to be removed by the project can be seen on the engineering drawings on file with the City. There is no City requirement to conduct an inventory of such trees. The Torrey Pines on site are not naturally occurring and were planted by the Institute as street trees in the landscaped strip along Torrey Pines Scenic Drive. Thus, the Torrey Pines on site are not considered sensitive biological resources under the City Biological Guidelines because they are ornamental, not associated with Torrey Pines woodland and any removals are considered a less than significant impact because they would not impact said habitat. For clarification purposes, Figure 3-7 has been augmented in the Final EIR to illustrate where on site the Chinese fringe trees would be relocated and where the historic eucalyptus grove would be replaced.

N19

The daycare facility and housing quarters are no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design. The History of Project Changes section of the EIR has been updated accordingly.

N20

Turf is live grass and would be planted atop the North Lawn Core Facility as shown in Figure 3-5 in the EIR.

N21

As discussed in Section 5.1 of the EIR, the Salk Community Center would comply with most of the height requirements specified in the SDMC due to its stepped design and respect for the overall structure height measured in accordance with the SDMC Section 113.0270(a)(5) and the Coastal Height Limit Overlay Zone (i.e., Proposition D) requirements, as measured in accordance with the Uniform Building Code of 1970 (SDMC Section 1232.0505(c) and explained under the Building Newsletter 2-2 Determination of Building Height. The only height limit the proposed project would deviate from is the residential zone requirement for structure height (see SDMC Section 113.0103), as measured in accordance with Section 113.0270(a). The visual quality/neighborhood character section of the EIR stated that the project would be visually consistent with existing development in the area in terms of its bulk and scale; the proposed deviation from the residential development regulations would not be considered a significant visual impact because, to be so considered, a project must significantly conflict with the height, bulk or coverage regulations of the zone and not provide architectural interest (emphasis added). The conclusion reached in the EIR is appropriate because the height deviation in and of itself does not result in a significant impact on neighborhood character since other tall buildings exist on site and in the area and the architecture, as described by the Design Guidelines, would provide visual interest. Although the underlying zone is residential, the Community Plan identifies the site for scientific research use and a deviation is proposed by the applicant and supported by the City of San Diego. Under existing City policy, permit findings are not discussed in CEQA documents.

COMMENTS

N21
Cont.

at three and four stories (DEIR, Figure 5.1-5). Thus, it is not acceptable for the Institute to be seeking a height deviation for the Community buildings. The required findings pursuant to Municipal Code section 126.0601, including demonstrating that the overheight design is preferable to a design that meets the allowable height under the code, have not been supported in the DEIR. This aspect of the project must be removed or be listed in the DEIR as a significant and unmitigated land-use impact.

N22

Similarly, it cannot be concluded that the current design preserves existing views to the ocean or provides a meaningful 360-foot wide view corridor providing long-range views to the ocean. (Compare DEIR, page 5.2-15 to DEIR, Figure 5.2-27). Instead, the view is obstructed by the mass of the buildings and visual access is further compromised from current conditions by the installation of parking ramps and walls, walling off the public's reach over the property to the line of the ocean. Views across the north mesa are not necessarily enhanced by the project. We previously asked for visual analysis including walls in our scoping letter. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 6).

N23

Alternatives: In general, the Alternatives section is self-serving in the assumptions underpinning each of the build alternatives, thereby artificially positioning the preferred alternative. The DEIR claims 13 "basic" project objectives. (DEIR, pages 8-1 – 8-3). Such a high number of asserted project objectives may serve to artificially render other feasible alternatives less appealing to the Institute.

N24

Offsite Alternative. The Offsite Alternative section does not include an assessment of locating some, but not all, proposed uses off campus (DEIR, page 8-3), as we requested in our scoping letter (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 6). For example, can some combination of the daycare, fitness or residential components be accomplished elsewhere, in partnership with other entities or at a reduced cost? Instead, the DEIR takes an all-or-nothing approach.

RESPONSES

N22

A visual analysis is provided in Section 5.2 of the EIR. As noted on page 5.2-15 of the EIR and shown in Figure 5.2-27, the existing westward view features a parking lot with cars, above ground light poles, trees and other distracting and obstructing elements. The proposed project would remove all of those elements and place all parking underground, cover the parking garage's rooftop with low-growing landscape, and construct the Salk Community Center Building at the far west end of the parking lot at the lowest elevations of the north mesa. The parapet walls referenced in this comment would be four or less feet high, below the elevation of a driver along the road. As such, the project would not wall off the public's views of the ocean, as suggested in this comment.

N23

Section 15124 of the State CEQA Guidelines requires a statement of objectives sought by the proposed project. As noted in the Guidelines, "a clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR" and aid the decision makers in preparing findings or statements of overriding considerations; if necessary. The Guidelines further state that the statement of objectives should "include the underlying purpose of the project." The range of alternatives evaluated in the EIR is reasonable and appropriate given the objectives stated by the project applicant, as further discussed in response to comment N34 below. The range of objectives proposed by the project applicant and described in the EIR are reasonable and necessary given the circumstances of the project. The development will occur in several areas of the Institute's property, over a potentially long timeframe, as well as the large number of stakeholders currently involved and the extensive project history, therefore, it is clear that the Master Plan Update is a very complicated project. The number of objectives was necessary to sufficiently summarize the range of the applicant's interests in the project.

N24

It is the project applicant's objective to locate all of its required uses on site where they own the land and can control the quality of construction. Section 15126.6 of the State CEQA Guidelines does not expressly require an off-site alternatives analysis. In fact, according to the guidelines, "an EIR is not required to consider alternatives which are infeasible." The reasons for rejecting alternatives from detailed consideration are: failure to meet most of the basic project objectives, infeasibility or inability to avoid significant environmental impacts. As stated on page 8-3, an off site alternative would not achieve the project objectives or allow the applicant to carry out the project, would be infeasible because the applicant does not control any other land nearby, and removing certain uses would not eliminate significant impacts to biological resources as discussed below. As noted in the Preface to the Final EIR, the applicant has chosen to eliminate the temporary housing quarters and daycare facility in the Refined Project Design and to seek off-site solutions to those needs.

See responses to comments E12, E31, E33 and E37 through E40 from University Community Planning Group, and N33 and N34, below, for additional discussion on providing a reasonable range of alternatives and/or multiple variations on alternatives.

Section 15126.6 of the State CEQA Guidelines does not require the same level of analysis for alternatives as the proposed project; therefore, visual simulations were not prepared for the various alternatives.

COMMENTS

N25

Alternative Salk Community Center Building Layout: This alternative is the proposal originally submitted by Salk to the City. It has environmental advantages and disadvantages compared to the currently proposed plan. The advantages include: 1) lower height buildings on the north mesa (a potential improvement of impacts to coastal views by reduction of bulk and scale); 2) separation of the proposed Torrey East buildings, which better protects public views through to the Kahn buildings (an improvement of impacts to historical resources and spatial relationships); 3) residential units and parking further to the north (improving land-use adjacency with existing residences); 4) reduced impacts to sensitive upland habitats; 5) reduced brush-management activities in sensitive lands 6) more acreage added to the MHPA; 7) larger vernal pool buffer; and 8) the production of slightly less traffic. The disadvantages include a slightly larger daycare and residential units, with daycare shifted to an unstated degree to the east (thereby potentially increasing impacts to neighbors and possibly increasing likelihood of viewing development from courtyard). Why doesn't the DEIR study an alternative build-out version that not only has the advantages but also modifies the disadvantages? That it may not achieve the asserted maximum intensity identified in the UC Plan, yet was submitted by the Institute itself as its original site plan, begs the question of why the Institute would have originally sought less square footage than what it now claims is a project objective – maximizing out the density? Please provide a visual simulation of this alternative looking across the north mesa.⁸

N26

North Mesa Intensified Development Alternative: According to the DEIR, the advantages of this plan are that it preserves the sensitive south mesa and reduces biological impacts to less than significant levels. The disadvantages of the plan are that it retains the height deviation for Community Center buildings and calls for no separation of the Torrey East Building, possibly less consistent with Kahn's tripartite siting. The DEIR contains erroneous statements about this alternative. A second purpose of this alternative should be to reduce land-use (construction and operation) adjacency conflicts with residential uses to the south; the MHPA boundary adjustment need not be smaller –

⁸ Without providing visual simulations for each of the alternatives, it is not possible to determine which of the build alternatives in the DEIR does a better job of retaining public coastal views across Torrey Pines Scenic Drive, a stated project objective.

RESPONSES

N25

The Alternative Salk Community Center Building Layout is an appropriate alternative to analyze in the EIR. Contrary to the comment, this alternative would not offer most of the "advantages" described in this comment, such as: 1) it would not result in improvements to impacts to coastal views because the structures would be located across the entire north mesa, closer to the street, at a higher elevation on the property and would visually overlap, effectively walling off all views to the ocean across the north mesa; 2) the public views to the original laboratory buildings are only available from the sidewalk and largely are obscured by trees so separating the Torrey East Building into two wings would not accomplish increased visual access and would reduce scientific research space; 3) placing the temporary housing quarters further north increases impacts to sensitive biological resources and would not avoid land use compatibility impacts with adjacent residences because none are expected; 4 and 5 impacts to sensitive biological habitat, including grading and brush management, are greater under this alternative with construction shifted north of its proposed location; 6) the MHPA would only be larger because the biological impacts and mitigation requirements would be greater; 7) the vernal pool buffer would be reduced because development would be placed closer to the west end of the parking lot. As stated in the EIR, this alternative does not take into account the demolition of 29,000 sf of scientific research space required to implement the proposed project. Given the foregoing, the proposed project (i.e., Refined Project Design) is superior in most or all respects to this alternative by modifying it further and eliminating daycare and housing uses. See further discussion of rationale for choosing alternatives under response to comment N34. Section 15126.6 of the State CEQA Guidelines does not require the same level of analysis for alternatives as the proposed project; therefore, visual simulations were not prepared for the various alternatives.

N26

The purpose of the North Mesa Intensified Development Alternative is to minimize direct significant impacts to sensitive biological resources. Similar to the Refined Project Design, direct impacts to biological resources would be less than significant and no biological mitigation for habitat loss would be required. Without a need for habitat mitigation, the applicant would have no reason to shift (i.e., dedicate) the south mesa into the MHPA. This alternative suggests no changes to the Salk Community Center Building and Torrey East Building because little to no direct impacts to biological resources would result from those elements of the project. The biological benefits of this alternative are discussed on page 8-16 of the EIR. The EIR acknowledges that temporary construction-related noise impacts on adjacent residents would be avoided by this alternative (page 8-18); however, significant land use adjacency conflicts (impacts) would not occur with the proposed project nor be avoided by this alternative. Furthermore, no significant neighborhood character impacts would arise. The phasing sequence for the project is defined in the EIR (Section 3.0) and the Project Design Guidelines on file at the City. The EIR contains sufficient information about each alternative to permit an evaluation of the relative merits of the alternative and the project without visual simulations and Section 15126.6 of the State CEQA Guidelines does not require the same level of analysis for alternatives as the proposed project; therefore, visual simulations were not prepared for the various alternatives.

000374

N26
Cont.

it would in fact be larger if the entire south mesa and vernal pool complex were included in the MHPA – there would also be fewer indirect impacts and less fragmentation to the MHPA from lighting, etc. There is no explanation in the DEIR as to why the MHPA boundary adjustment would necessarily be reduced and not enlarged to reflect the onsite resources or why a Habitat Management Plan would not be required for these alternatives. Please explain why the DEIR assumes across these alternatives that the residential and daycare components would be built on the north mesa prior to the Community Center buildings (thereby experiencing more construction noise)? Please provide a visual simulation of this alternative looking across the north mesa.

N27

Neighborhood Proposed Alternative. First, the DEIR states that this alternative was proposed by neighbors opposed to the project. (DEIR, page 8-20). As has been repeatedly stated, neighborhood stakeholders support the Institute's Mission Statement and are not opposed to the Institute developing its campus; however, the neighbors do have legitimate concerns about certain siting, design, and operational components of the overall plan that, by law, must be considered. Further, the neighbor's concerns include construction and operational impacts as well as actual – not perceived – impacts to biological and visual resources. The DEIR wording should be changed accordingly. Moreover, the applicant has stated in public meetings that the City determined during the EIR development process that significant unmitigable visual impacts would occur from Salk's originally submitted plan, including building across the north mesa.⁹ Salk was, therefore, given an opportunity to update its proposal for the north mesa in the DEIR, as well as other components, but the neighborhood alternative was not afforded the same opportunity.

Please provide a visual simulation of this alternative looking across the north mesa.

⁹ However, the DEIR is inconsistent, stating at one point that the modification of the location and layout of the north mesa buildings and underground parking garage were not made in response to environmental concerns expressed by City of San Diego staff during their review of the proposed project. (DEIR, page 4-1). Compare with the description of the Alternative Salk Community Center Building Layout, which the DEIR claims was rejected as the preferred project due to its significant and unmitigable impacts to visual resources (related to its inconsistencies with land-use policies and Municipal Code implementing regulations protecting views of the ocean and scenic coastal areas). (DEIR, page 8-7). Please clarify.

N27

The comments regarding the Neighborhood Proposed Alternative are noted, but no changes to the EIR are warranted because they would not affect the alternatives analysis or its conclusions. If impacts to views from public roads were a concern of the neighbors at the time of the scoping meeting, the site plan for the Neighborhood Proposed Alternative would have not proposed to place the daycare facility and housing on the north mesa and would have proposed to split the Torrey East Building into two wings. However, the neighbors specifically requested the City analyze the site plan submitted during the scoping process and only recently submitted a new site plan for consideration. As discussed in response to comment N34, CEQA does not require an EIR to discuss multiple variations of an alternative.

000375

COMMENTS

RESPONSES

N28

The DEIR analysis of the three alternatives above, placing additional project components on the north mesa, cannot attempt to, on the one hand, state that the asserted indirect or secondary impacts, such as the exposure of sensitive land uses to excess traffic, noise or air admissions somehow render infeasible the alternative—particularly where the analysis section for the alternatives admits that the operational impacts for air quality, for example, would be less than significant. Noise and traffic secondary impacts are not discussed. The Institute's preferences are not significance thresholds.

N29

For example, most if not all private daycare or pre-schools in La Jolla are located on public roads: La Jolla Montessori I, La Jolla Montessori II, Gillespie School, Presbyterian, Lutheran, etc. Each of these facilities is considered secure. Moreover, the Institute's plan shows walls or fences for the north mesa which should further secure the area. Based on statements in the DEIR, is it the Institute's position that these facilities are unsafe for children because they are near a public road or have sidewalks next to them with public pedestrian traffic? The DEIR claims that the south mesa is somehow safer for children; yet individuals have repeatedly stated at public meetings that they have observed rattlesnakes on the south mesa—and there is no analysis in the DEIR of the risk of rattlesnake bites to children.¹⁰ Nor does the DEIR explain how the "natural setting" of the north mesa would meaningfully differ from that of the south mesa for "outdoor education" purposes. (DEIR, page 3-9). No justification is given for why the Institute is proposing a daycare play yard twice the size of that required by the State (DEIR, page 8-13: State requires a 6,000 square foot minimum) on the sensitive south mesa. No analysis of the operational efficiencies and reduced traffic of providing a drop-off and pickup area for children near work facilities were provided in the DEIR. Each of these aspects is relevant to the siting of the daycare facilities.

N30

Finally, each of the three alternatives above could include native species replanting, landscape buffers, and strategically placed trees; just because they were not included in the alternative does not mean they could not be included.

¹⁰ See attached article, Attachment 9, *Rattler bites adult student at school, snake struck near portable classrooms*, SDUT April 28, 2007. Snake bite of student at high school next to McGonigle Canyon.

N28

Placement of the daycare facility and housing on the south mesa (as proposed by this alternative) would prevent exposure of the on-site sensitive receptors (e.g., daycare and housing) to air quality, noise and traffic effects of being located adjacent to a public road and parking garage. In contrast, shifting these uses to the north mesa, as suggested by several of the alternatives, would expose these same uses to impacts associated with traffic and parking garage activity along Torrey Pines Scenic Drive that would not exist under the EIR site plan. It should be noted that impacts associated with the daycare facility and housing units on the south mesa identified in the Draft EIR would not occur under the Refined Project Design, as described in the Preface to the Final EIR.

N29

The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

N30

Figure 3-5 in the EIR shows the landscape plan for the proposed project. The plan does feature native species plantings, landscape buffers and trees.

000376

N31

Reduced Project Alternative/Environmentally Superior Alternative. This alternative addresses but one issue: scaling back the project to a level that would reduce direct project traffic levels to less than significant levels. (DEIR, page 8-27). This would reduce the project's size by about 200,000 square feet of scientific space plus daycare facilities, core facility, maintenance, and greenhouse uses, since these would purportedly not generate new trips. Instead, a properly devised reduced project alternative would look at all the project's impacts (including direct, indirect and cumulative) to see if an improved alternative could be determined with reductions in as many impact areas as possible. This is especially the case where, as here, the DEIR proposes the reduced project alternative as the "Environmentally Superior Alternative." (DEIR, page 8-35).

Yet, no site plan is shown for this alternative as presented in the DEIR; one must be provided in the revised DEIR, as well a plan for the requested additional reduced project alternative. Finally, as noted above, another reduced project alternative should also be included showing the proportional reduction in square feet allowable under the UC Plan given the reduction in the overall property size. The Institute's failure to analyze a reduced-size alternative will be found inadequate, and the DEIR's rejection of this alternative will be determined unjustified and unsupported, as in Preservation Action Council v. City of San Jose et al (2006) 141 Cal.App.4th 1336. There, the Court of Appeals denied the demolition of an historic property and held that refusal by a developer to consider an alternative based on its own inflexible programming preferences did not make that alternative legally infeasible.

N32

N33

East Parking Lot Avoidance Alternative: No site plan is shown for this alternative as presented in the DEIR; therefore, one must be provided in the revised DEIR. The assertion that this alternative would be fully consistent with the Secretary of Interior (SOI) standards has not been demonstrated; there are other locations on the property where the proposal could affect components of the historic structure, design, and landscaping. Did the Institute examine putting below-grade parking at the east parking lot and reinstalling the historic components above ground? This would seem to solve the

N31

The State CEQA Guidelines (Section 15126.6) state that the purpose of alternatives is to "focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project." Alternatives must be capable of accomplishing "most of the basic project objectives" while avoiding or substantially lessening "one or more" of the significant effects (see Section 15126.6(c)). Because the only significant and unmitigable impact caused by the proposed project is to traffic/circulation; it is logical under the CEQA Guidelines to address an alternative that is focused on the one significant and unmitigable effect which would reduce that impact to a level that is less than significant (and thus eliminate the need for mitigation). As stated, the Reduced Project Alternative is discussed to evaluate an alternative that would avoid significant and unmitigable impacts. In addition to the traffic benefits of the Reduced Project Alternative, reduced impacts to biological resources, visual quality/neighborhood character, historical resources, air quality, noise, hydrology/water quality and paleontology would occur as noted in the EIR. Therefore, the Reduced Project Alternative does address many of the issues associated with the proposed project. A site plan is not required by the State CEQA Guidelines to adequately analyze alternatives, such as the Reduced Project Alternative.

N32

The proposed project is consistent with the *University Community Plan*. Development intensity (and therefore trip generation) identified in Table 3 of the UCP is driven by the building square footage shown in the table, not by the acreage of the site. In fact, according to the Community Plan, "development potential is based on net acreage to be determined at the time a development application is filed" (page 162). Net acreage is defined in the Community Plan as the portion of the site that is not designated open space in the Community Plan and is not included in public streets (see page 172). According to the Community Plan (page 162), development potential is based on net acreage and the amount of square footage considered appropriate for the site subject to other considerations such as site and building design, zoning requirements and other limitations such as Navy easements and the ACLUP. The proposed project's net acreage is consistent with its gross acreage since no open space is designated on site and it excludes public right-of-way. Therefore, trip generation of the project is driven by the amount of gross floor area proposed, not by the size of each site. As demonstrated in the EIR analysis, the proposed project is consistent with land use designation for the site and other applicable plans.

The applicant desires to construct as much research space as possible on its site and hence fulfill its core missions of conducting cutting-edge scientific research for the benefit of humanity. The 500,000 square foot limit is set not by the applicant, but by the *University Community Plan* – the applicant can merely attempt to make the most efficient use possible of its research space within this limit. As noted in the Preface to the Final EIR, the applicant has eliminated the s facility and housing quarters, thus bringing the project total size down to 476,000 sf. This is very different from the situation in *Preservation Action Council v. City of San Jose*, the case cited by the commenter; in that case, the developer refused to consider a reduced-project alternative simply because its business model relied on a certain square footage. Also, in that case, the EIR did not provide sufficient justification of why the reduced square footage would fail to meet the developer's other goals.

000377

COMMENTS

RESPONSES

N32 cont.

In addition, as shown by the Reduced Project Alternative in the EIR, impacts to traffic would not be sufficiently reduced by such an alternative; the project would have to be reduced by 200,000 sf to result in a meaningful reduction in traffic. See response to comment E2 from the University Community Planning Group.

N33

As discussed in response to comments N24, N25 and N26, the level of detail and analysis of alternatives must be sufficient to permit an evaluation of the relative merits of the alternative and the proposed project but need not be similar to that of the proposed project (see Section 15126.6(d) of the State CEQA Guidelines). A site plan of the East Parking Lot Impact Avoidance Alternative is not needed to understand the concept of avoiding development of the east parking lot and to allow an informed comparison of the impacts within the proposed project. Based on the historic resources analysis presented in the EIR, only development of the east mesa would be inconsistent with the Secretary of the Interior Standards. Therefore, avoidance of the east mesa would produce an alternative that would be consistent with those standards. A variation of this alternative that would reinstall the parking lot to presumably "replace" the historic resources after the underground parking structure is constructed is not a reasonable alternative, because it is unreasonable to assume the Institute would construct an underground parking structure without a building atop it. Also, without implementation of the Torrey East Building, the basic project objective of developing scientific research space (i.e., the primary purpose of the building) would not be accomplished and the additional parking would not be required. In addition, the City would not support an alternative that causes increased parking impacts in a Parking Overlay Zone. Installing other uses in part of the Torrey East Building would reduce the amount of scientific research space on site and would not create an alternative that would avoid impacts to historic resources, which is the purpose of the East Parking Lot Impact Avoidance Alternative. See responses to comments E12, E31, E33 and E37 through E40 from University Community Planning Group, and N24 and N34 from this letter, for additional discussion.

000378

COMMENTS

N33
Cont.

parking deficiency cited in the DEIR. (DEIR, page 8-33). Or, what about installing a daycare facility within part of this space?

Other Reasonable Alternatives not Studied in DEIR: Alternatives or aspects of alternatives that must be studied in the revised DEIR:

N34

- Daycare and accessory uses off south mesa: The DEIR does not have an alternative showing the daycare and related structures relocated from the south mesa. The issue of whether Salk would leave San Diego will not be determined by which mesa the daycare facilities are located on. Moreover, according to the EIR itself, the City has placed no restrictions on additional development on the north mesa (DEIR, page 4-1) so presumably there is space to move at least 15,000 square feet to the north mesa. The residential components would be sited and designed more similarly to Kahn's Plan but set somewhat back from the canyon and in conformance with the newer property lines in that area. Attachment 3, Wong Revised Alternative, shows one possible alternative site design that could achieve those objectives and preserve more of the sensitive south mesa.
- We request a meaningful reduced project alternative that may also serve as the environmentally preferred alternative, to include: 1) elimination or relocation of daycare (per corrected density in UCPG Plan); 2) siting and design of residential units more similar to the Kahn Plan; 3) separation of the Torrey East Building to allow for continued public views of the Kahn laboratories from Torrey Pines Road and other public vantage points; 4) increasing the vernal pool buffer; 5) no height deviation for the Community Center; 6) respect for all setbacks; 7) improved drainage and addition of swales where appropriate; 8) adoption of a habitat management plan; and 9) expansion of the MHPA.

N35

- While asserting that some factors now constrain the Institute, the Page & Turnbull Historical Resources Technical Report does NOT conclude that the Kahn Master

RESPONSES

N34

Under established CEQA principles and case law, an EIR must only consider a "reasonable range" of alternatives. See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 566, 276 CR 410; *City of Rancho Palos Verdes v. City Council* (1976) 59 CA3d 869, 892, 129 CR 173. The EIR sets forth five different alternatives, two that analyzed the project with no development on the south mesa and three others that analyzed a reduced and/or reconfigured project, as well as the No Project alternative and an analysis of potential alternative locations for the project. This wide-ranging analysis is more than sufficient to satisfy the foregoing standard under CEQA.

Contrary to what the commenter states, the City does place restrictions on north mesa development. A major restriction on north mesa development is the need to comply with City policies in the *University Community Plan*, Local Coastal Program and Coastal Overlay Zone that require the preservation of scenic views. As noted above in response to comment N12, the temporary housing units cannot be sited on the steep slopes at sensitive biological resources protected by City policy (under the ESL regulations). The property line adjustment between the applicant and the City removed area planned in the 1961 Master Plan by Kahn for housing. The Wong Revised Alternative attached to this comment letter is essentially a reconfigured Neighborhood Proposed Alternative that is more similar to the North Mesa Intensified Development Alternative and whose impacts are already disclosed in the EIR.

See responses to comments E12, E31, E33 and E37 through E40 from University Community Planning Group, and N33 and N34, below, for additional discussion on providing a reasonable range of alternatives and/or multiple variations on alternatives. It is important to note that an EIR need not include multiple variations or versions of the alternatives that it does consider. When the relative advantages and disadvantages of other alternatives can be assessed from a review of the alternatives presented in an EIR, the EIR is not defective for not discussing variations on each theme (see *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 CA3d 1022, 185 CR 41). The proposal to move only the daycare to the north mesa, when the EIR already analyzes the movement of both the daycare and the housing units to the north mesa, would clearly be no more than a variation on the alternatives already discussed. Similarly, the suggested new "reduced project alternative" proposes various elements that either are already discussed in the alternatives included in the EIR, would not reduce any of the significant impacts discussed in the EIR or would not meet the basic project objectives. Neither alternative is required for inclusion under CEQA. It should also be noted that the applicant has decided to not pursue daycare and housing uses on site, as described in the Preface to the Final EIR.

N35

It is the applicant's position based upon the general layout of uses on site that the Draft EIR Project constitutes a modified Kahn Master Plan as discussed above in response to comment N12. It should be noted that the applicant has chosen to modify the Draft EIR Project by eliminating development on the south mesa, as described in the Preface to the Final EIR. This too is a modified version of the Kahn Master Plan.

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COMMENTS

RESPONSES

N35
Cont.

Plan could not be implemented with modifications to meet the constraints existing today. Why is a modified Kahn Master Plan not studied as an alternative?

N36

The DEIR fails to fully analyze the project's consistency with the UC Plan, Table 3, and related text on pages 164, 166 and 179. The Project Density is inconsistent with the Community Plan in three major respects. First, the UC Plan clearly states that the square footages in the table "are NOT intended as a development right, but are subject to other considerations such as site and building design, zoning requirements and other limitations . . . Development intensity and traffic generation will not be the sole factor [sic] upon which consistency will be judged." (UC Plan, page 164) (Emphasis added). Yet the Institute persists in representing that its project is somehow entitled to 500,000 square feet no matter what the site, design, zoning, environmental, traffic, historical, and neighborhood impacts are. This is not supported by the text of the Plan. The EIR should be revised.

N37

Second, neither does the University Community Plan state that the Salk is entitled to over 500,000 square feet capacity, which is exactly what Salk is proposing when the aboveground and underground, existing and proposed, square footages are combined. At a public meeting, the Institute stated that it had received an opinion from the City that *underground facilities need not be included in traffic and parking calculations*. Please provide evidence of that opinion. How many square feet does Salk currently have above ground? How many below ground?¹¹ How many below-ground square feet is Salk proposing? (Please break it into use categories including parking, mechanical, core facility, etc.) Also, please explain the use of each new area, i.e., how much of the proposed Torrey East Building is lab versus administrative, public or other uses. A chart would be helpful.

N38

Third, the UC Community Plan lists the site at 26.88 acres with a (potential) land-use development capacity of 500,000 total square feet. (DEIR, page 5.1-9). However,

¹¹ We previously asked that such information be provided in the DEIR during scoping. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 2).

N36

The applicant understood that when they proposed a 500,000-sf project, it would have to be analyzed for consistency with City plans and policies. The applicant does not contend that it has a "development right" to 500,000 sf but rather, as established in the EIR, the site is appropriate for up to 500,000 sf when taking into consideration zoning requirements, building design, site constraints and potential environmental impacts. The EIR provides an analysis of the 500,000 sf project and, based on that review, has demonstrated that the proposed project is generally consistent with policies in the *University Community Plan* as detailed in Table 5.1-1 in the EIR. The Preface to the Final EIR reinforces this same conclusion for the smaller Refined Project Design. It is further consistent with all City regulations, with the exception of the deviation from the structure height limit for the residential zone. Strict consistency with all aspects of the *University Community Plan* is not required. For example, a proposed project should be considered to be consistent with the local general plan if it furthers one or more policies and does not obstruct other policies. Under the Subdivision Map Act, subdivisions need only be in "overall agreement or harmony" with the general plan (*Greenbaum v City of Los Angeles* (1984) 153 CA3d391, 200 CR 237). Community Plans in the City of San Diego are generally viewed as components or extensions of the General Plan, so similar considerations would apply to an analysis of compliance with the *University Community Plan*. Thus, a 500,000-sf project is generally consistent with the Community Plan and appropriate for the site. See also response to comment E2 from the University Community Planning Group.

N37

Basement space supporting the aboveground use is not included in the overall square footage of buildings as defined in Section 113.0234 of the SDMC and as noted on page 173 of the *University Community Plan*. See footnote 1 on Table 3-1 in the EIR. As support space to the primary uses (which should not require additional parking), and given its location below grade, the basement space would not cause any additional significant environmental impacts. As such, there is not basis under CEQA for including the additional requested information.

N38

As previously discussed above in response to comment N32, development intensity (and trip generation) identified in Table 3 of the UCP is driven by the square footage on each property shown in the table, not by the acreage of the site. A reduction in development intensity is not warranted. An exact match to the Community Plan is not required as discussed above in response to comment N36.

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